

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

March 16, 2009

CALL TO PODIUM:

Jacqueline Marsh

RESPONSIBLE STAFF:

**Greg Ossont, Director
Planning and Code
Administration**

Lauren Pruss, Planning Director

Jacqueline Marsh, Planner

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
X	Joint Public Hearing
	Historic District Commission
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	N/A
Advertised	2/25/09
	3/4/09
Hearing Date	3/16/09
Record Held Open	
Policy Discussion	

TITLE: Z-309, Suites 355

This application requests rezoning of 3.6859 acres of land from R-20 (Medium Density Residential) to CD (Corridor Development) in accordance with §24-196 (Map Amendments) and §24-160G.6 (Procedure for Application and Approval) of the City Code. The property is located at 12-16 South Frederick Avenue, and includes Parcels N323 & N271, and is known as Executive Gardens.

SUPPORTING BACKGROUND:

The applicant, Keystone REI, represented by Mr. Jody Kline of Miller, Miller and Canby, requests the rezoning of this property, located at the intersection of South Frederick Avenue (MD 355) and the State Highway Administration (SHA) service ramp, from the R-20 (Medium Density Residential) Zone to the CD (Corridor Development) Zone. A requested map amendment to the CD zone requires the concurrent submission of either a concept plan or schematic development plan per §24-160G.6 (Procedure for application and approval) of the City Code. The applicant has selected to submit a schematic development plan.

The subject site lies within the Fairgrounds Commercial District of the Frederick Avenue Corridor Special Study Area Master Plan. The Master Plan states that, "Owners of properties not comprehensively rezoned are encouraged to apply for rezoning to the CD Zone in order to meet the goals and objectives of the Frederick Avenue Corridor Master Plan."

The applicant is proposing to redevelop 85 garden style apartments. The proposed plan would include a 268-unit multiple family building with underground parking.

Please refer to the attached staff comments that provide an analysis of the proposal for Z-309 and SDP-08-005.

Attachments:

Z-309 Index of Memoranda and Exhibits

DESIRED OUTCOME: Hold public hearing

Staff recommends that the Planning Commission hold the record open until 5 PM, April 30, 2009, (45 days) with anticipated recommendation on May 6, 2009.

Staff recommends that the Mayor and City Council hold their records open until 5 PM, May 15, 2009, (60 days) with anticipated policy discussion on June 1, 2009.

MEMORANDUM TO: Mayor and City Council
Planning Commission

FROM: Jacqueline Marsh, Planner

DATE: February 27, 2009

SUBJECT: Staff Comments: Z-309/SDP-08-005- This application requests the rezoning of 3.6859 acres of land from the R-20 (Medium Density Residential) Zone to CD (Corridor Development) Zone, located at 12-16 South Frederick Avenue, and includes Parcels N323 & N271, and is known as Executive Gardens Apartments. The schematic development plan proposes a 268-unit multiple-family building with structured underground parking.

APPLICANT/OWNER

Keystone Real Estate Investments, LLC
103 Leekes Lot Way
Gaithersburg, MD 20878

REQUEST

This application requests rezoning of 3.6859 acres of land from R-20 (Medium Density Residential) to CD (Corridor Development) in accordance with §24-196 (Map Amendments) and §24-160G.6 (Procedure for Application and Approval) of the City Code. The property is located at 12-16 South Frederick Avenue, and also includes Parcels N323 & N271, and is known as Executive Gardens. The schematic development plan proposes a 268-unit multiple-family building with structured underground parking.

REQUIRED ACTIONS

The applicant, Keystone REI, is requesting a map amendment from the R-20 Zone to the CD Zone, which is identified by §24-10A of the City Code as a floating zone. According to §24-10A(2) of the City Code:

(2) The approval of and placement of floating zones may only occur upon a finding by the city council that the application therefore:

(a) Complies with the purposes and intent of the zone as stated in the zoning ordinance; and

(b) As applied will be compatible and harmonious with existing and planned land uses in the surrounding area.

The applicants have the burden of showing that this application complies with the purpose and intent of the CD Zone, as defined in §24-160G.1. (“Purpose, CD”).

Further, §24-10A(5) states:

Notwithstanding the provisions of section 24-10A(3) and (4) above, any schematic development plan, concept plan, (CD Zone) or site development plan shall only be approved upon satisfaction of the respective findings for approval of such plans with or without conditions.

In conjunction with the map amendment application, the applicant has submitted a schematic development plan. As §24-160G.6(b)(2), “Application for CD zone and schematic development plan approval,” mandates:

An application for CD zone approval and schematic development plan approval shall be subject to joint public hearings before the mayor and city council and city planning commission. The city planning commission shall thereafter submit its recommendation to the city council and the city council shall render a final decision. The city council may set conditions on the approval of the schematic development plan which are in the public interest.

GENERAL INFORMATION

LOCATION:

The site is located on South Frederick Avenue (MD 355). The State Highway Administration (SHA) service ramp, which leads from West Diamond Avenue to southbound Route 355, or South Frederick Avenue, is located west of the property and George Street is located to the south.



Location Map

TAX MAP REFERENCE:

Tax Map: FT51

TAX ACCOUNT NUMBERS:

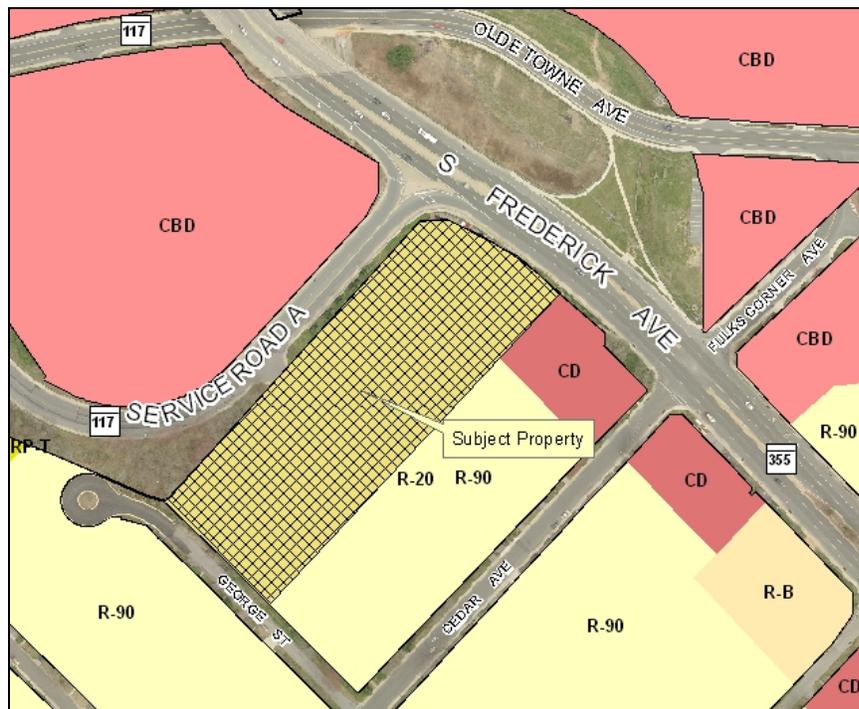
Parcel A, N-271 – ID #09-02856015
Parcel B, N-220 – ID #09-02856026
Lot 1, N-323 ID #09-02856037

EXISTING LAND USE/ENVIRONMENTAL CHARACTERISTICS:

The 3.68-acre property consists mainly of four multiple family apartment buildings and associated parking lots (that encompasses approximately 1.13 acres) and maintained lawns. Some trees exist along the southern and southeastern property boundary. There is no forested area onsite, however the Natural Resources Inventory (NRI), approved on September 6, 2007, noted five specimen trees. The site is located in the Great Seneca creek, Long Draught Brach Watershed.

NEIGHBORHOOD LAND USE AND ZONING:

The subject property is currently zoned R-20. Northwest of the subject property, Barron’s Lumber, is zoned CBD. The primary use of this site is light industrial with some commercial use. South of the property, located along South Frederick Avenue, is an office/commercial building zoned CD. To the immediate south and southeast of the property is the Observatory Heights subdivision, zoned R-90 (Medium Density Residential). This block contains six single-family lots.



Surrounding zoning of Z-309

PUBLIC FACILITIES:

Water and Sewer Services and Public Utilities

The subject proposal is a redevelopment project of an existing residential use, therefore the site maintains W-1 and S-1 (areas served by community systems which are either existing

or under construction) categories. Service does exist and therefore, 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 Gaithersburg/Washington Grove Fire Station 8 (Montgomery Village Avenue) provides an eight-minute response time to the property. The property is also served by Fire Stations 31 (Rockville Station at Quince Orchard and Darnestown Roads) within a ten-minute response time. Therefore, the site complies with the requirements for the Adequate Public Facilities requirements for Emergency Services, §24-248.

Adequacy of School Capacity

The subject property is currently located within the Gaithersburg Cluster of the Montgomery County Public School (MCPS) system. Within the cluster, the schools that currently serve the proposed development are Rosemont Elementary School, Forest Oak Middle School and Gaithersburg High School. Using the MCPS student generation rate, this project will generate 11.2 elementary school (kindergarten through fifth grade) students, 10.4 middle school (sixth through eighth grade) students, and 8.8 high school (ninth through twelfth grade) students.

The City Manager's review of the *2009-2014 MCPS Capital Budget and Capital Improvements Program* in July of 2008, indicated none of the schools within the Gaithersburg Cluster are above the capacity level of 110 percent. Therefore, the subject application complies with §24-246, Adequacy of School Capacity at this time.

Traffic Impacts

The applicant submitted a Traffic Impact Study (TIS) by The Traffic Group, dated June 25, 2008, in accordance with the City of Gaithersburg's Adequate Public Facilities Ordinance. Engineering Services Director Mumpower reviewed the findings of the revised study, which show that all the intersections in the study area will continue to operate within the City's acceptable standards for Critical Lane Volumes in both the AM and PM peak hours under total traffic conditions. He agrees with the finding detailed in the study and has granted approval of the final TIS for this project.

Public Transportation

The site is serviced by Montgomery County Ride On Bus routes #55 and #59. These bus routes provide transit assistance to the Shady Grove Metro station within a 12-25 minute time frame, the Rockville Metro Station within 28 minutes and the Rio at Washingtonian within 9 minutes.

The property is also located within a 10-minute (approximately 0.4 miles) walk of the Maryland Area Rail Connection (MARC) train station in Olde Towne, Gaithersburg. There

are nine morning trains to Washington D.C. and nine trains from Washington D.C. in the afternoon.

SCHEMATIC DEVELOPMENT PLAN PROPOSAL:

The applicant is proposing a 268-unit multiple family building with structured parking. The proposed units per acre ratio is 73. The unit range is as follows:

Studio Units:	59
One Bedroom units:	101
Two Bedroom units:	108



Illustrative Layout Plan

Conceptual Architectural Elevations

Below are the samples of the architecture presented by the applicants' team:



Elevation facing SHA service ramp



Elevation facing George St.



Elevation facing S. Frederick Ave



Rear Elevation

According to the applicant's Leadership in Environmental and Energy Design (LEED) checklist, the project would be a rated as LEED Certified building.

Height Waiver

To accomplish the proposed design of the multi-family building, the applicant is seeking a height waiver from the Mayor and City Council. Under §24-160G.5.(a)(2) of the City Code, The City Council may, by resolution, waive building and structure height requirements for a commercial district project, allowing a height not to exceed five (5) stories, or sixty (60) feet. The five story condition is limited to the east end of the building adjacent to the SHA wall abutting South Frederick at the southern end of the Father Cuddy Bridge/Route 355.

Parking

The plan proposes a two level parking garage with approximately 384 parking spaces and five (5) parallel parking spaces, shown on the site plan, in front of the building for a total of 389 parking spaces. Based on the number of studio, one bedroom, and two bedroom units, and a 1,200 square foot leasing office, the City Code will require 456 parking spaces. This will create a deficit of 67 spaces. In accordance with §24-160G.4(e), the parking requirements may be waived in whole or in part by the city council as part of the schematic development plan approval for CD zoned properties.

AFFORDABLE HOUSING

The proposed project will be required to provide an affordable housing component per City ordinance O-12-06 and will be implemented under City regulation no. 02-07. The applicant will be required to provide fifteen percent (15%) of the 268 multi-family units as moderately priced dwelling units (MPDUs). This will equal forty (40) units. The final distribution of units within the multi-family structure will be determined at final site plan, in accordance with the City regulations.

PROPOSED AMENITIES

The proposed Suites 355 development is located within a fifteen (15) minute walk of a number of off-site recreational amenities; the primary being Bohrer Park at Summit Hall Farm. Bohrer Park is home to the City's Activity Center, skate park, water park, fields, and path system. The subject site is also located within 0.3 miles of Walder Park, a 2.7-acre active park that offers basketball courts, hiking trails, and playground equipment.

The applicant is proposing a number of onsite amenities, including a swimming pool, outdoor courtyards, and passive outdoor seating areas. An accessible outdoor community use park/green is proposed along the western edge of the site that can be used either passively or actively. Also, the community residents will have the use of an internal clubroom, fitness center, and business center.

STAFF RECOMMENDATION

As noted in Planning and Code Administration Director Ossont's memorandum to the Mayor and City Council and Planning Commission dated February 23, 2009, the proposed project is consistent with several aspects of the City's Master Plan and intent of the Corridor Development Zone. However, since this is the initial public hearing and staff has not completed the customary evaluation, no formal recommendation is provided at this time.

Staff will make a formal recommendation of Map Amendment Z-309 and Schematic Development Plan SDP-08-005 prior the Planning Commission's recommendation to the Mayor and City Council.

Joint Public Hearing
Mayor and City Council
And Planning Commission
March 16, 2009

**INDEX OF MEMORANDA
Z-309
Suites 355**

- | No. | Exhibit |
|------------|---|
| 1. | Application for Amendment to the Zoning Map |
| 2. | Aerial Location Map |
| 3. | Surrounding Zoning Location Map |
| 4. | Adjoining and Adjacent Property Owners Provided by Applicant |
| 5. | Applicant's Statement in Support of Rezoning |
| 6. | Excerpt Zoning Ordinance Section 24-160G for CD Zone |
| 7. | Excerpt Zoning Ordinance Section 24-196 & 24-197 |
| 8. | Approved NRI/FSD |
| 9. | Identification Plat & Metes and Bounds Description |
| 10. | Letter to Gazette requesting legal advertisement of Joint Public Hearing in the February 25 and March 4, 2009, issues |
| 11. | Copy of Notice of Joint Public Hearing, Mailed February 23, 2009 |
| 12. | Notice of Joint Public Hearing notification mailing list |
| 13. | Letter from le-ru Wang, dated February 26, 2009 |
| 14. | Memorandum from Greg Ossont, Director of Planning and Code, dated February 23, 2009 |

AMENDMENT TO THE ZONING MAP (MODIFIED)

In accordance with Chapter 24, Article VIII of the City Code

Application No. Z- <u>309</u>
Filing Date <u>11-13-08</u>
Fee <u>\$2,000 / pd</u>
PC Hearing _____
PC Recommendation _____
M & CC Hearing _____
Decision _____
Date _____

SUBJECT PROPERTY "Executive Garden Apartments" (current name)

Address (if none, the location with respect to streets) 12 S. Frederick Avenue, and two lots on George St.
 Lots N-271, N-220 and N-323 Block -- Subdivision Executive Garden Apartments (no street numbers)

REQUESTED CHANGE

From the existing R-20 Zone to the CD Zone

Optional Method of Development (check if applicable)

*Note: The optional method is excluded from the RA Zone and the MXD Zone.

APPLICANT(S) Executive Garden REO, LLC

Address c/o Keystone Real Estate Investments, LLC Telephone 301-840-5424
103 Leekes Lot Way, Gaithersburg, MD 20878-5716

OWNER(S) same as above

Address _____ Telephone _____

TAX ASSESSMENT INFORMATION

As shown on the tax docket of the State Department of Assessment and Taxation, Montgomery County, or on the Montgomery County, Maryland Real Estate Tax Bill.

DISTRICT SUBDIVISION	ACCOUNT NUMBER	LOT	BLOCK	ACRES/FEET	SUBDIVISION OR TRACT NAME
9 -	02856015	N-271	Parcel A	22,256 SF	Executive Garden Apartments
9 -	02856026	N-220	Parcel B	127,107 SF	Executive Garden Apartments
9 -	02856037	N-323	Lot 1	11,194 SF	Executive Garden Apartments
9 -			Total =	160,557 SF	
9 -				(3,6859 A)	
9 -					

ZONING HISTORY

List below the application numbers, date of filing, and actions taken on all applications filed within 3 years prior to this date for the reclassification of the whole or any part of the land above described.

APPLICATION #	DATE FILED	ACTION TAKEN
NONE		

continued on reverse side

Joint Hearing - MCC & PC
 Z-309
 #1

SUBMISSION REQUIREMENTS

- **Map or plat** prepared by registered surveyor or engineer showing land and existing buildings for which the map amendment is sought, the bordering properties, streets and street names, lot and block designations, north arrow and key map, age and location of existing buildings, property size in acres/square feet. The area which is the subject of the application should be outlined in red. (10 copies)
- **Legal metes and bounds** of property
- **Fee** (see separate schedule)
- **List of names and addresses** of all property owners within 200 feet of any boundary of subject property
- **Statement** demonstrating a change in the neighborhood or a mistake in the Master Plan

If Optional Method submit also:

- **Schematic Development Plan** (which needs to include):
 - Uses of all buildings and structures
 - Location, height, dimensions of all buildings, structures, and parking areas, dimensions of all buildings
 - Location of points of access to site
 - Existing topography (contours of not more than 5-foot intervals) 100-year flood plains, and other natural features
 - Utility Easements
 - Natural Resource Inventory (See Environmental Standards)
- **Proposed Covenant**
- **Statements:**

Applicant proposes to limit uses on the subject parcel to the following: _____

Applicant has submitted Schematic Development Plan which imposes the following limitations of development standards: _____

ADDITIONAL INFORMATION

Within five (5) days after filing the application, the applicant shall erect appropriate signs, posting notice of the requested zoning map amendment public hearing (per Section 24-196e of the City Code). The signs are made available to the applicant from the City staff and must remain posted until thirty (30) days after the decision on the application.

I have read and complied with the submission requirements and affirm that all statements contained herein are true and correct.

EXECUTIVE GARDEN REG, LLC

Applicant's Signature _____
By: Jody S. Kline, Attorney

Date 13 NOVEMBER 2008

Owner's Signature _____
By: Jody S. Kline, Attorney
for Owner

Date 13 NOVEMBER 2008



Z-309/SDP-08-005

Suites 355

Suites355.mxd • 25-Feb-2009 • jam

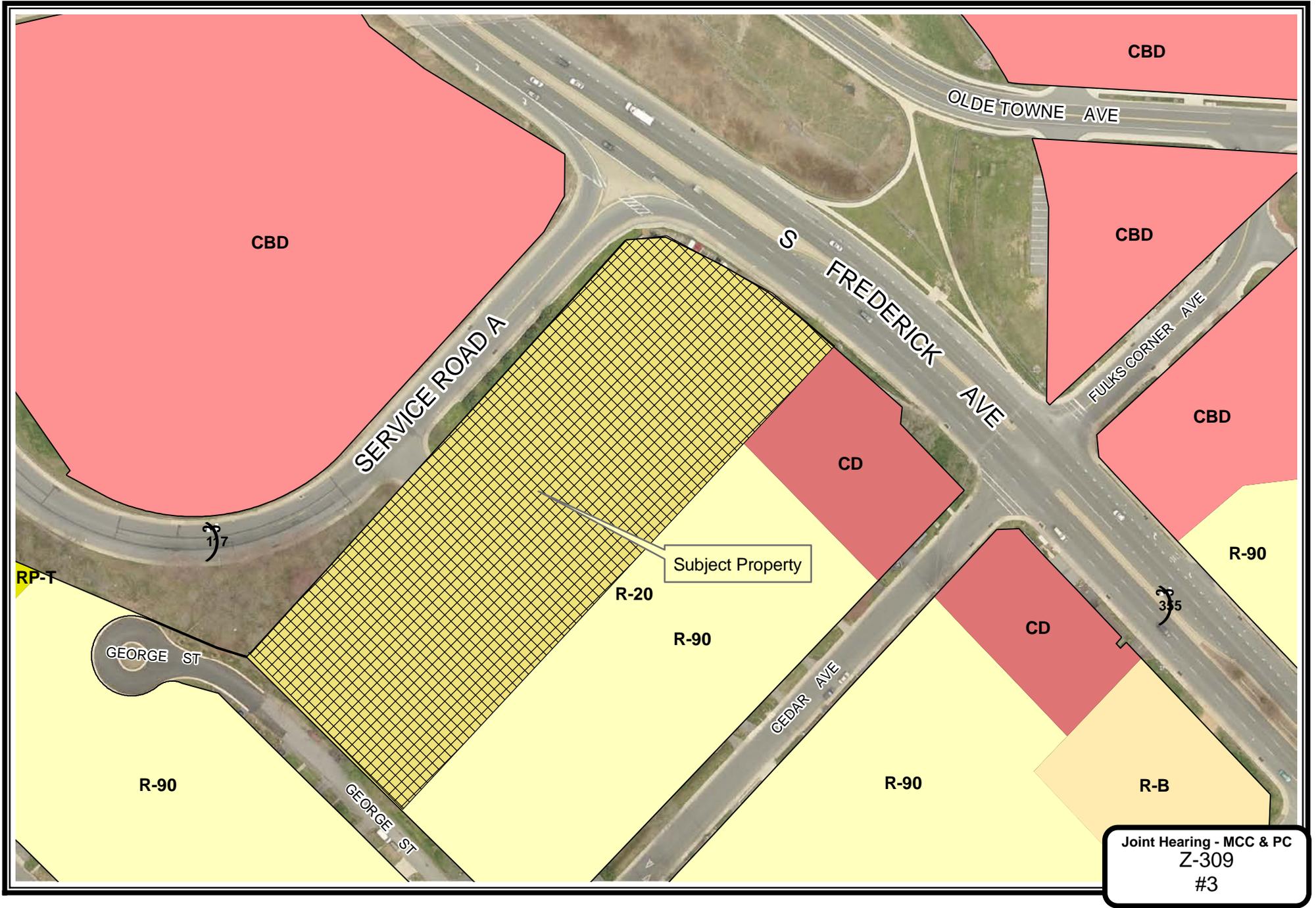

MD State Plane
HPGN NAD 83/91

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City of Gaithersburg
Planning and Code Admin
31 S Summit Ave
Gaithersburg, MD 20877
(301) 258-6330
www.gaithersburgmd.gov



**LIST OF ADJOINING & CONFRONTING PROPERTY OWNERS WITHIN 200 FEET
EXECUTIVE GARDEN REO, LLC**

NAME	ADDRESS	LOT/BLOCK
Gaithersburg Lumber & Supply Co., Inc.	c/o Barrons 23 West Diamond Avenue Gaithersburg, MD 20877-2187	N-188
Lawrence A. & K. A. Sureff	102 Cedar Avenue Gaithersburg, MD 20877-1909	N-376
Marvin E. & C. P. Cage, TR	104 Cedar Avenue Gaithersburg, MD 20877-1910	N-380
Milton M. Walker, Et Al, TR	108 Cedar Avenue Gaithersburg, MD 20877-1910	N-432
Joseph Reese	106 Cedar Avenue Gaithersburg, MD 20877-1910	N-379
City of Gaithersburg	31 South Summit Avenue Gaithersburg, MD 20877-2038	P-117
Guy M. & S. M. Amatucci, Et Al	c/o Amatucci Brothers Auto Body 15 Fulks Corner Avenue Gaithersburg, MD 20877-2067	N-171
CSX Transportation, Inc.	c/o Special Assm S/CJ915 301 W. Bay Street, Suite 800 Jacksonville, FL 32202-5138	P-108
<i>OBSERVATORY HEIGHTS</i>		
Piotr A. Teter & Christine M. Forsman	105 James Street Gaithersburg, MD 20877-1906	Lot 30
Thomas N. Sr. & C. A. Sardelis	107 James Street Gaithersburg, MD 20877-1906	Lot 31
Judith E. Ware & Gintaras Sakalauskas	109 James Street Gaithersburg, MD 20877-1906	Lot 32
Jamie L. & F. L. Thrasher, Jr.	115 James Street Gaithersburg, MD 20877-1906	Pt. Lot 35

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Catherine E. Minor, Et Al	103 James Street Gaithersburg, MD 20877-1906	Lot 29
William G. & Rose B. Thomas	111 James Street Gaithersburg, MD 20877-1906	Lot 33
John N. Disalvatore, Jr.	113 James Street Gaithersburg, MD 20877-1904	Lot 34
Longview VII LLC	316 Hammonton Place Silver Spring, MD 20904-6344	Lot 36
Dale R. & Barbara P. Schwartz	3 Marigold Court Silver Spring, MD 20906-3334	Lot 37
G. Michael Drury	104 George Street Gaithersburg, MD 20877-1932	Lot 40
John P. Marchetti, Et Al, TR	106 George Street Gaithersburg, MD 20877-1932	Lot 39
Edgar A. Argueta	108 George Street Gaithersburg, MD 20877-1932	Lot 38
Fulton Bank	4429 Bonney Road, Suite 200 Virginia Beach, VA 23462-3877	Lot 41
Milton M. Walker, Et Al, TR	108 Cedar Avenue Gaithersburg, MD 20877-1910	Pt. Lot 73 and Lot 74
William G. Glass & Frances S. Brouse	14 Cedar Avenue Gaithersburg, MD 20877-1913	Pt. Lot 76
Michael F. Quinlan	2 Cedar Avenue Gaithersburg, MD 20877-1961	Pt. Lots 71 & 72
Dennis & Marie Loutoo	8 Cedar Avenue Gaithersburg, MD 20877-1913	Lot 75
Maria A. Lacayo	16 Cedar Avenue Gaithersburg, MD 20877-1913	Pt. Lot 76
Donna Jean Buckingham	4 Cedar Avenue Gaithersburg, MD 20877-1913	Pt. Lots 72 & 73

Longview VII LLC

316 Hammonton Place
Silver Spring, MD 20904-6344

Lots 91 & 92

Gary A. Daigle, Sr., Et Al

c/o James Haggerty
28 South Frederick Avenue
Gaithersburg, MD 20877-2300

Pt. Par. A

APPLICANT'S REPRESENTATIVE

Jody S. Kline, Esquire
Miller, Miller & Canby
200B Monroe Street
Rockville, MD 20850

BEFORE THE MAYOR AND CITY COUNCIL
OF GAITHERSBURG, MARYLAND

IN THE MATTER OF THE APPLICATION :
OF KEYSTONE REAL ESTATE INVESTMENTS LLC :
FOR APPROVAL OF A ZONING APPLICATION AND A
SCHEMATIC DEVELOPMENT PLAN :

STATEMENT IN SUPPORT OF REZONING APPLICATION NO. Z-309 AND
SCHEMATIC DEVELOPMENT PLAN NO. SDP-08-005
FOR
SUITES 355

Section 24-160G.7(a) enumerates the findings required before an application for CD Zoning by local map amendment may be approved. The findings required are enumerated below.

- (1) The application meets or accomplishes the purposes, objectives, and minimum standards and requirements of the zone.
- (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.
- (3) The application and schematic development plan will be internally and externally compatible and harmonious with existing and planned uses in the CD zoned areas and adjacent areas.
- (4) Compliance with standards for rezoning by local map amendment in Article 66B of the Maryland Code.

Section 24-160G.7(b) enumerates the findings required before a schematic development plan may be approved. The findings required are enumerated below.

- (1) The plan is substantially in accordance with architectural, signage, lighting, streetscape, parking and other regulations, requirements and guidelines adopted by the City Council for the applicable corridor area.
- (2) The plan meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone.
- (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.
- (4) The plan will be internally and externally compatible and harmonious with existing and planned land uses in the CD zoned area and adjacent areas.
- (5) The existing or planned public facilities are adequate to service the proposed development contained in the plan

- (6) The development staging or phasing program if any, is adequate in relation to the provisions of public facilities and private amenities to service the proposed development.
- (7) The plan, if approved, would be in the public interest.
- (8) The existing buildings with historic significance are considered for preservation and retention pursuant to the City's historic preservation ordinance.

Zoning Application No. Z-309 and Schematic Development Plan No. _____ should be approved because they satisfy the findings required under Section 24-160G.7(a) and (b) enumerated above as follows:

Master Plan Compliance

1. Page 4 of the Frederick Avenue Corridor Master Plan encourages owners of sites in the Corridor that have not previously been comprehensively rezoned to the CD Zone following adoption of the Corridor Master Plan to apply for rezoning to CD Zone in order to meet the goals and objectives of the Corridor Master Plan, including but not limited to the goal to encourage redevelopment of declining or underutilized properties within the Corridor.
2. The construction in the 1980's of the Father Cuddy Bridge, the appurtenant twenty-five foot tall SHA retaining wall and the access ramp known as the "Service Road" to connect West Diamond Avenue to southbound Frederick Avenue along the northeast corner of the site created a unique site constraint for the redevelopment of the site which can not be overcome using the development standards in the R-20 Zone. Rezoning the site to the CD Zone provides the opportunity to overcome this unique site constraint with thoughtful land planning and architectural design techniques that are encouraged by the CD Zone development standards to meet the goals and objectives of the Corridor Master Plan.
3. Similar to the nearby Residences at Olde Towne site, this site's high visibility makes it suitable for a premier development. Page 8 of the Frederick Avenue Corridor Master Plan Final Report identifies this end of the Father Cuddy Bridge as a place to "Introduce a new tower as a visual landmark along the Corridor." The Suites 355 proposal includes a prominent residential tower feature that anchors this prominent and highly visible corner of the building. The architectural design of Suites 355 is intended to complement the architectural design of the Residences at Olde Towne project to provide a consistent architectural theme along the west edge of Service Road.
4. Page 8 of the Frederick Avenue Corridor Master Plan Report recommends that sites like this in the Corridor are to be redeveloped "to emphasize building frontage along the streets and reconfigure the parking to the rear of the buildings." The Suites 355 proposal shows the building frontage on Frederick Avenue and Service Road and the parking in a garage under the building. This proposal recaptures meaningful green space that is adjacent to the R-90 Zoned lots at the rear of the site where today existing apartment

buildings are built right up to the property line. The Applicant proposes this “recaptured” green space be afforested to create a forested buffer.

CD Zone Purpose Clause Compliance

1. The Suites 355 proposal satisfies the purpose clause of the CD Zone. Section 24-160G.1(a) through (f) are the purposes of the Corridor Development Zone enumerated in the City Zoning Ordinance and are the City’s goals when approving redevelopment within the Corridor. These purposes are listed below:

- (a) Encourage a form of development, consistent with the goals and provisions of the respective corridor area master plan for the city that will achieve the physical characteristics necessary to enhance the economic vitality, planned visual character and quality of life within an identified transportation corridor in the city.
- (b) Create a more attractive and cohesive development pattern and to enhance the city’s sense of place through the creation of individual character associated with the corridor in the applicable corridor master plan.
- (c) Encourage development and redevelopment and renovation of declining or underutilized properties along the corridor.
- (d) Encourage the use of consistent, compatible and attractive architecture, streetscape and visual themes.
- (e) Create a streamlined process for zoning and plan approvals.
- (f) Provide an appropriate scale of development and mix of retail, service, employment and residential uses as recommended in the applicable master plan.

The schematic development plan and architectural design for Suites 355 satisfies all of the purposes of the CD Zone and therefore the goals of the Corridor Master Plan. Rezoning the site to the CD Zone and using the CD Zone development standards to conceive a redevelopment strategy for the site allows for the use of best land planning practices and timeless architecture to create an appropriate scale of development that is more attractive and cohesive and that provides an enhanced sense of place (that will contribute to the revitalization of the Corridor and Olde Towne) than could be achieved under the existing R-20 Zone. The Suites 355 schematic development plan, architectural elevations, and amenities have the physical characteristics and qualities necessary to enhance the economic vitality, planned visual character and quality of life within the Corridor. The Suites 355 project replaces a declining and underutilized property along the Corridor. The Suites 355 architectural, streetscape and visual themes are consistent with the Corridor Master Plan recommendations and is intended to compliment the recently approved plans for the nearby Residences at Olde Towne project to provide a consistent architectural theme for the street frontage along the western edge of Service Road.

2. The schematic development plan is substantially in accordance with the purposes, objectives, minimum standards and requirements of the CD Zone including architectural, signage, lighting, streetscape, parking and other regulations, requirements and guidelines for the Fairground Commercial District of the CD Zone. A height waiver under Section

24-160G.5(a)(2) and a parking waiver under Section 24-160G.4(e) are required and are warranted because of conditions, constraints and circumstances unique to the site.

3. The land planning and timeless architecture are internally and externally compatible and harmonious with the existing and planned land uses in the CD Zone and the adjacent area and therefore have no adverse affect on the surrounding neighborhood. The dominant use on or proposed for the adjacent properties near the site are the (i) Barron's Lumber Yard on land to the north which is in the CBD Zone and likely to be redeveloped in the future (ii) Residences at Olde Towne 191 dwelling unit multifamily project on land to the northwest which is in the CBD Zone and (iii) commercial uses on lots in the CD Zone to the south adjacent to Frederick Avenue (iv) residential lots in the R-90 Zone to the south and west that have been and continue to be adversely affected by the existing deteriorating multifamily community on the site.

4. The buildings, surface parking lots and landscaping that comprise the existing multifamily community that were constructed and put in place in the 1960's are tired and worn out and the site is in need of redevelopment which can be accomplished if the site is rezoned to the CD Zone.

Adequate Public Facilities

1. The City has approved the Traffic Impact Study for the proposed improvements confirming that the existing road network has adequate capacity for the proposed improvements.
2. Adequate capacity is available in the neighborhood County schools that serve the proposed improvements.
3. Emergency services including police and fire and rescue services are adequate for the proposed improvements.
4. Water and sewer services are adequate and available for the proposed improvements.
5. Rezoning the site to the CD Zone promotes Smart Growth principles and effective use of the public transit facilities available in close proximity to the site including Ride On and MARC. (Ride On has three routes within walking distance to the site.)

Public Benefit.

1. Redevelopment of the site using the CD Zone assists in the implementation of City's Strategic Plan Direction #5 (Housing Stock) Goal #2 (redevelop aged and functionally obsolete apartments) and Goal #6 (provide affordable housing) and efforts to revitalize the Corridor and Olde Towne including the goal to provide adequate residential areas for people with a range of different incomes and lifestyles including MPDU income levels.

2. Rezoning the site to the CD Zone provides an opportunity to mitigate adverse environment impacts from stormwater by installing stormwater management facilities on site where no stormwater management facilities exist on the site today in furtherance of City's Strategic Direction #8 (Environmental).

3. Rezoning the site to the CD Zone provides an opportunity to satisfy City Strategic Direction #8 (Environmental) Goal #2 (LEEDs technology) by implementing green building residential standards in new construction.

4. Rezoning the site to the CD zone provides an opportunity to recapture and afforest a meaningful percentage of the green area and thereby create a natural forested buffer along the southern edge of the site adjacent to the R-90 Zone lots where currently buildings are built right up to the property line.

5. Rezoning of this site to the CD Zone and thoughtful land planning allows for the creation of a pedestrian friendly and safe sidewalk connection through the "front yard" of the site to connect with the Cedar Lane/Frederick Avenue intersection for pedestrian walking to Olde Towne from George Street and West Diamond Avenue using the Service Road.

6. Rezoning the site to the CD Zone and thoughtful land planning allows for the creation of a grassy park/green adjacent to George Street on the western edge of the site. The grassy park/green provides ample room for active recreation activities like playing catch, throwing a frisbee, kicking a soccer ball, or playing a game of touch football.

Summary

Rezoning the site to the CD Zone allows for higher density that makes it economically feasible to redevelop the site in a manner that satisfies many City goals and strategies including but not limited to the goal of the Corridor Master Plan to provide a higher quality of life within the Corridor. CD Zoning provides opportunity to (i) use best land planning and architectural design practices including (a) parking in garages below the building (b) timeless "four sided" architecture (c) lower stories and roof heights where the building faces the lots in the R-90 Zone (d) more useable green space in pocket parks and courtyards for recreation, amenity and afforestation (ii) use best property operations and management practices using onsite professional management, maintenance and security personnel and (iii) provide 40 new dwelling units (15% of the total dwelling units) for residents with incomes within MPDU income limits.

business district in connection with the construction, modification or alteration of any existing building or structure or in connection with the erection or modification of any sign or canopy unless in compliance with the regulations and requirements adopted by the city council pursuant to subsection (a) of this section, or as may be part of the Olde Towne Master Plan.

(2) New construction upon unimproved property or where complete demolition of existing improvement occurs shall conform to the regulations and requirements adopted by the city council pursuant to subsection (a) of this section, or as may be part of the Olde Towne Master Plan.

(Ord. No. O-13-96, 12-16-96; Ord. No. O-12-05, 12-19-05)

Sec. 24-160F.7. Parking requirements.

Parking within the central business district shall be determined in accordance with the general requirements and special computation schedule for uses within Article XI. The requirements may be waived in whole or part by the city planning commission any reuse of a building or structure, or premises or lot located within the central business district, based upon the criteria and findings applicable in section 24-222A of this Code.

The construction of either on-site or off-site parking for use by the general public which is at least twenty (20) percent in excess of the minimum requirements applicable to the new use or reuse may be considered a public amenity in seeking waivers of development standards under section 24-160F.5 above.

(Ord. No. O-13-96, 12-16-96)

Sec. 24-160F.8. Existing buildings.

Any building or structure for which a building permit was issued and any lawful use which was instituted prior to the adoption of this ordinance shall not be regarded as a nonconforming use, and may be structurally altered, restored, repaired or enlarged, either:

- (a) In conformance with the requirements of the CBD Zone; or
- (b) To a size and intensity existing on the property or by approved building permit preceding the adoption of this ordinance.

(Ord. No. O-13-96, 12-16-96)

Sec. 24-160F.9. Traditional Neighborhood Design (TND) option.

Subject to the procedural requirements set forth in this division, an applicant may request the Traditional Neighborhood Design (TND) option, which may be used as an alternate method of development, subject to compliance with the standards set forth in section 24-22.3 of Chapter 24 of this Code.

(Ord. No. O-3-99, 1-19-99)

DIVISION 22. CD ZONE, CORRIDOR DEVELOPMENT

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Sec. 24-160G.1. Purpose.

It is the purpose of the Corridor Development Zone to:

- (a) Encourage a form of development, consistent with the goals and provisions of the respective corridor area master plan for the city, that will achieve the physical characteristics necessary to enhance the economic vitality, planned visual character and quality of life within an identified transportation corridor in the city.
- (b) Create a more attractive and cohesive development pattern and to enhance the city's sense of place through the creation of individual character associated with the corridor in the applicable corridor master plan.
- (c) Encourage development and redevelopment and renovation of declining or underutilized properties along the corridor.
- (d) Encourage the use of consistent, compatible and attractive architecture, streetscape and visual themes.
- (e) Create a streamlined process for zoning and plan approvals.
- (f) Provide an appropriate scale of development and mix of retail, service, employment and residential uses as recommended in the applicable corridor plan.

(Ord. No. O-12-00, 8-7-00)

Sec. 24-160G.2. Uses allowed.

- (a) *Permitted uses.* All uses listed as permitted and not as special exceptions or conditional uses in all zoning districts unless otherwise prohibited except:
- (b) *Prohibited uses.* All of the following uses are prohibited in the CD Zone:
 - (1) Automobile and truck body repair shops.
 - (2) Landscaping and excavation contractor business involving the storage and use of heavy trucks and equipment.
 - (3) Pawn shops.
 - (4) Production/manufacturing/assembly/processing uses set forth in section 24-136C of this Code, except those uses allowed in subsections (3), (4) and (14) of section 24-136C.
 - (5) Retail establishments involving the sale of adult only oriented videos, books, magazines, and marital aides which occupy more than fifty (50) percent of the gross floor area of the establishment.
 - (6) Tattoo parlors.
- (c) *Special exception uses.*
 - (1) Boarding homes.
 - (2) Group residential facilities operated by a non profit or public entity.
 - (3) Laboratories provided such uses meet all federal, state and local safety and fire regulations.
- (d) *Conditional uses.*
 - (1) Any use listed or permitted as a conditional use in any zoning district.

(Ord. No. O-12-00, 8-7-00)

Sec. 24-160G.3. Minimum location requirements.

(a) No land shall be classified in the Corridor Development Zone unless the land is located within an area so designated on an approved and adopted corridor development area master plan.

(b) When undertaking new development or redevelopment in the CD Zone, all uses identified for specific areas or properties within the land use element of a corridor development master plan shall be applied in those areas specified, unless: (1) otherwise approved by the mayor and city council within the context of a schematic development plan, or (2) otherwise exempted from filing a schematic development plan under the provisions of section 24-160G.5(b) of this chapter.

(Ord. No. O-12-00, 8-7-00)

Sec. 24-160G.4. Development standards.

Except as otherwise provided in the land use element or other element of the applicable corridor development area master plan as set forth in special regulations or requirement relating to design, construction building height, setbacks, parking, lighting, signage and streetscaping that may be adopted by resolution of the city council, the following standards shall apply:

(a) *Height of buildings and structures.* No building or structure in this zone shall exceed the following heights, exclusive of decorative elements, mechanical, communications or other equipment placed upon the roof.

(1) Any residential district identified in a corridor development area master plan three (3) stories and not to exceed thirty-five (35) feet in height.

(2) Any commercial district identified in a corridor development area master plan four (4) stories and not to exceed forty-five (45) feet in height.

(3) Any employment district identified in a corridor development area master plan six (6) stories and not to exceed sixty-five (65) feet in height.

(b) *Building and structure placement.*

(1) All buildings and building frontages shall be sited so as to front the nearest public street or public right-of-way with pedestrian entrances along the building frontage line. Buildings on a corner lot shall have the front of the building facing the major street.

(2) Screen walls may be allowed in the absence of a building facade with concurrence of the city council and planning commission.

(3) Loading docks, service areas and ancillary structures shall be located to the rear of a building and shall be screened by sight-tight fencing, walls and/or natural vegetation.

(4) A setback may be required along residential side streets, to be determined by the mayor and city council or planning commission at the time of schematic development plan or final site plan approval.

(c) *Building and/or structure setbacks.* Shall be as specified in the applicable corridor development master plan. Where no setbacks are specified in the master plan, the setbacks shall be established by the city council at the time of schematic development plan approval, or in the absence of such schematic development plan approval or

establishment thereof, by the city planning commission at site plan approval; provided, however, the following requirements shall be imposed in either case:

(1) No part of any building or structure shall be located on land which is currently a public right-of-way or which is indicated on an approved and adopted master plan or other approved planning document for the corridor development area as a right-of-way or walkway, sidewalk or bikeway.

(2) If a proposed building is abutting a lot or parcel containing an existing building with windows facing the proposed building, the setback shall be at least fifteen (15) feet.

(3) If the adjoining lot or parcel is in a residential zone and is not recommended for commercial, industrial or buffer zoning on an adopted master plan or approved planning document for the corridor development area, the setback shall be at least fifteen (15) feet.

(d) *Building design.*

(1) New development and redevelopment which includes new building facades shall incorporate the design theme and criteria, if any, in the applicable corridor development area master plan for building appearance, signage, streetscape, parking, and sidewalks.

(2) Except as provided hereinafter any side of a building that faces either a public street or private access drive shall have a building entrance and the appearance of a building front to the extent possible: No customer entrance to a retail or restaurant use shall face or be visible to abutting property in a single family residential zone. The city council in the approval of a schematic development plan or the city planning commission at the time of site development plan approval, may require more than one side of a building to be finished with architectural elements found on the building front due to the high visibility of the building on multiple sides.

(3) A sign package for all schematic development plan and site plan submittals in the CD zone is required.

(e) *Parking and access.* Parking shall be in accordance with the general requirements and special computation schedule set forth within article XI of this chapter. The requirements may be waived in whole or in part by the city council as part of a schematic development plan approval or by the planning commission if only site plan approval is required. Such waiver shall be based upon the criteria and findings applicable in section 24-222A of this Code.

Notwithstanding the provisions contained in article XI of this chapter, the following requirements shall apply in all new development, redevelopment involving demolition of more than thirty (30) percent of an existing building or expansion of the floor area of an existing building by at least thirty (30) percent.

(1) All off-street parking shall be set back not less than twenty (20) feet behind the front building line.

(2) All parking areas shall contain a ten (10) foot landscape perimeter between the parking area and public space or between differing uses. This ten (10) foot area may be shared by adjacent properties with like uses. Interior landscaping within parking islands separating separate sections of parking areas shall also be provided.

(3) All parking areas shall contain dedicated pedestrian ways from street and parking areas to building entrances.

(4) When feasible, interior access drives with allowance for interconnection between abutting properties and/or shared access to the nearest roadway shall be provided. This should be provided in the rear of properties by alleyways or parking lot connections in order to avoid extensive service drives that make pedestrian access to buildings more difficult.

(5) Direct pedestrian access from rear lot parking areas to the closest public street shall be provided.

(f) *Streetscape and signage.* Streetscape and signage shall be coordinated between adjoining uses and be thematic in approach, in accord with the purposes of the zone, the overall character of the surrounding area and any design criteria set forth in the corridor development area master plan. The city council is authorized to adopt by resolution, guidelines and/or requirements regarding streetscaping and signage which shall apply to all site development plan approvals for property in the CD zoning district. This section shall be supplemental and complimentary to the sign ordinance requirements in article IX of this chapter.

(g) *Buffers.* Adequate buffers shall be required between existing and proposed uses when needed. These buffers shall be in the form of fences, hedges, or walls that adequately buffer views and noise.

(Ord. No. O-12-00, 8-7-00; Ord. No. O-3-04, 1-5-04)

Editor's note: It should be noted that the amendments enacted by Ord. No. O-3-04 [subsection 24-160G.4(d)(2)] shall not apply to any building, property or use for which a final use and occupancy certificate was issued before January 26, 2004.

Sec. 24-160G.5. Waiver of development standards.

(a) The city council may, by resolution, waive the building and structure height requirements [in any district] in the corridor development zone (CD zone) as follows:

(1) For a residential district to allow a height not to exceed four (4) stories, or forty-eight (48) feet.

(2) For a commercial district to allow a height not to exceed five (5) stories, or sixty (60) feet.

(3) For an employment district to allow a height not to exceed eight (8) stories, or ninety (90) feet.

(b) The granting of such waiver shall be based on a finding that:

(1) The applicant will provide either on-site or off-site public amenities to further enhance the corridor development zone and the purposes of the CD zone; and

(2) The additional height is necessary to implement the master plan and a specific corridor plan for Gaithersburg, or attract an appropriate and compatible type or caliber of user; and

(3) The additional height will be compatible with existing and proposed adjacent land uses and would not detrimentally impact those uses or public facilities serving a specific corridor.

(c) The city council may, by resolution, waive setback requirements in the CD zone, upon a finding that:

(1) The applicant will provide either on-site or off-site public amenities to further enhance the specified corridor and the purposes of the CD zone; and

(2) The reduced setback is necessary to implement the master plan and a specific corridor plan for Gaithersburg, or attract an appropriate and compatible type or caliber of user; and

(3) The reduced setback will not detrimentally impact light and air to adjacent buildings.

(Ord. No. O-12-00, 8-7-00; Ord. No. O-13-06, 12-4-06; Ord. No. O-15-07, 10-15-07)

Sec. 24-160G.6. Procedure for application and approval.

Procedure governing the application for the CD zone and approvals necessary to seek building permits shall be subject to the following process:

(a) Application for CD zone and concept plan approval.

(1) An applicant shall file, together with the prescribed application fee, an application for the CD zone, to be processed pursuant to the provisions of sections 24-196 and 24-197 of this Code subject to modification of procedures set forth in this section 24-160G.5(b). In addition the applicant shall submit for approval as part of the application for separate approval a concept plan, scaled at one inch equals fifty (50) feet and shall meet the requirements of the concept plan checklist established by the city manager or his/her designee.

(2) The application for CD zone and concept plan approval shall be subject to joint public hearing before the mayor and city council and city planning commission. The city planning commission shall thereafter submit its recommendation to the city council which may either:

(a) Approve or deny the CD zone and concept plan, with or without conditions. In the case of approval of the concept plan, no schematic development plan shall be required and the applicant may proceed to site development plan approval; or

(b) Approve or deny the CD zone and require the applicant to file a schematic development plan for separate approval by city council.

(c) The city council may condition its approval of the CD zone and/or concept plan.

(b) Application for CD zone and schematic development plan approval.

(1) An applicant shall file, together with the prescribed application fee, an application for the CD zone, to be processed pursuant to the provisions of sections 24-196 and 24-197 of this Code, and in addition submit for approval as part of the application for separate approval, a schematic development plan, scaled at one inch equals fifty (50) feet and shall contain, at a minimum, all documents and information required in section 24-160D.9(b)(1) of this chapter except for items h. and j. thereof.

(2) An application for CD zone approval and schematic development plan approval shall be subject to joint public hearings before the mayor and city council and city planning commission. The city planning commission shall thereafter submit its recommendation to the city council and the city council shall render a final decision. The city council may set conditions on the approval of the schematic development plan which are in the public interest.

(c) Applications for concept plan approval or schematic development plan approval only. Applicant seeking to develop, redevelop or improve property zoned CD without an approved schematic development plan shall file for approval of either a concept plan or a

schematic development plan pursuant to the procedures hereinafter provided:

(1) Concept plan approval only.

(a) An applicant shall file together with the prescribed application fee a concept plan, scaled at one inch equals fifty (50) feet, and shall contain the information and items described in the concept plan checklist established by the city manager or his/her designee.

(b) The concept plan shall be subject to the same public hearing notification procedures as required for local map amendments.

(c) The city council shall conduct a public hearing and either approve the concept plan, with or without conditions or require the applicant to file a schematic development plan pursuant to section 24-160G.5(b) of this chapter.

(d) Should the city council approve the concept plan the applicant shall thereafter submit an application for final site plan approval directly to the city planning commission.

(e) The city council decision shall be in the form of a written opinion and resolution.

(2) Schematic development plan approval only.

(a) An applicant shall file together with the prescribed application fee a schematic development plan scaled at one inch equals fifty (50) feet and shall contain at a minimum all information and material set forth in section 24-160G.5(a)(1) of this chapter, provided that the city staff may waive the requirements for submitting items a., f., and h. of section 24-160G.5(a)(1) if existing information is sufficient to process the plan.

(b) The schematic development plan shall be subject to the same public hearing notification procedures as required for local map amendments.

(c) The city council shall conduct a public hearing or joint public hearing with the city planning commission and shall after receiving the recommendation of the commission either approve the plan, with or without conditions or deny the plan.

(d) The city council decision shall be in the form of a written opinion and resolution.

(3) The requirements for filing a schematic development plan or concept plan shall not apply to repairs and maintenance to property zoned CD.

(d) The approval of a concept plan or a schematic development plan shall substitute for preliminary site plan approval in the plan review process.

(e) A site plan enforcement agreement to be signed by the applicant and the city, requiring the applicant to execute all of the features shown on the site plan and the sequence and timing when said features will be completed. The commission may require that performance of the terms of the agreement be secured by a bond, letter of credit or other security acceptable to the city. Subsequent to the completion of work, the city manager is authorized to declare as abandoned and forfeited, any cash bond posted pursuant to a requirement of this chapter, and relinquish proceeds thereof to the general treasury of the city, when after giving the applicant or permittee who posted the cash bond thirty (30) days written notice first by registered mail, and if unclaimed by first-class mail, such applicant or permittee fails to request of the city the return of the cash bond. Upon failure to request of the city return of the cash bond, as provided herein, the

applicant or permittee, its successors, heirs and assigns relinquish all claim to said cash bond.

(f) Amendments to a schematic development plan or concept plan. property within the CD zone shall be governed by the process set forth in section 24-198(c) of the City Code.

(g) Final site plan review. Following approval of a concept plan or a schematic development plan, an applicant shall submit to the city planning commission a final site plan for approval, which shall be in accord with the approved concept or schematic development plan and shall include the following:

(1) All information and documentation required pursuant to section 24-169 of this Code.

(2) Proposed phasing or staging plan of development and information regarding such plan's consistency with the provision of public facilities.

(3) Demonstration of general compliance with any master plan recommendations for the property, including any special conditions or requirements related to the property set forth in the master plan.

(4) Demonstration of compliance with the approved schematic development plan.

(5) Demonstration of compliance with any architectural, signage, lighting, streetscape, landscape, parking or other regulations, requirements and guidelines approved by the city council for development in the relevant corridor area.

(6) A proposed covenant, suitable for filing in the land records for Montgomery County, which shall indicate in specific language that the property which is the subject of the application is restricted in its use and/or development standards to the schematic development plan and any accompanying or qualifying text material submitted with such plan, as such plan may be approved or modified by the planning commission at the time of final site plan review. The covenant to be filed in the land records shall also indicate that such restrictions shall be in effect until such time as the property may be rezoned, at which time such restrictions shall be removed.

Approvals, processes, procedures and amendments to site plans shall be in accord with article V of this chapter 24 of the Code.

(Ord. No. O-12-00, 8-7-00)

Sec. 24-160G.7. Findings required.

(a) The city council may approve CD zoning by local map amendment 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 schematic development plan will be internally and externally compatible and harmonious with existing and planned land uses in the CD zoned areas and adjacent areas.

(4) Compliance with standards for rezoning by local map amendment in Article 66B of the Maryland Code.

(b) The city council may approve a schematic development plan or concept plan only upon the finding that:

(1) The plan is substantially in accord with architectural, signage, lighting, streetscape, parking and other regulations, requirements and guidelines adopted by the city council for the applicable corridor area.

(2) The plan meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone; 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 CD zoned area and adjacent areas; and

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

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

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

(8) The existing buildings with historic significance are considered for preservation and retention pursuant to the city's historic preservation ordinance.

(c) The city council is empowered to establish reasonable conditions on the approval of a schematic development plan and those conditions shall be imposed on any approved site plan.

(d) The city planning commission may approve a final site plan consistent with the findings required in sections 24-170 and 24-170A of this Code, and upon considerations, determinations and powers set forth in section 24-171 of this Code. The city planning commission shall, as a condition of its approval, require the posting of all necessary bonds or other security instruments, the execution of required agreements, and recording of covenants.

(Ord. No. O-12-00, 8-7-00)

Sec. 24-160G.8. Procedures for amendment.

Amendments to a schematic development plan may be permitted, consistent with the procedures for amendment of optional method plans as provided in section 24-198(c) of this Code.

(Ord. No. O-12-00, 8-7-00)

Sec. 24-160G.9. Existing buildings and uses.

Any building or structure for which a building permit was issued and any lawful use which was instituted prior to the adoption of this article shall not be regarded as a nonconforming building or use, and may be structurally altered, restored or repaired either:

(a) In conformance with the standards and requirements of the CD zone; or

(b) Following the submission and approval of a schematic development plan pursuant

to this division at a size and intensity that existed prior to the adoption of this article.

(Ord. No. O-12-00, 8-7-00)

Sec. 24-160G.10. Special regulations and requirements.

The city council may adopt, by resolution, special regulations and requirements not inconsistent with the provisions of this division 22, relating to design and construction of buildings, structures, canopies, signs, lighting, parking areas and structures, amenities and amenity areas, and landscaping within the central business district. Such regulations and requirements shall be applied by the city council, city planning commission or city planning and code administration for matters within their respective jurisdictions to ensure compliance with the goals and provisions of the applicable corridor development area master plan.

(Ord. No. O-12-00, 8-7-00)

ARTICLE VIII. AMENDMENT PROCEDURE*

***State law references:** City authorized to provide procedure for amendment of zoning regulations and boundaries, Anno. Code of Md., 1957, art. 66B, § 4.04.

Sec. 24-194. Applicability to article.

The text of this chapter and the zoning map may be amended in the following manner set out in this article.

(Ord. No. O-2-65, art. 4; Ord. No. O-13-78)

Sec. 24-195. Text amendment.

The text of this chapter may be amended upon the application of the city council or the planning commission.

(Ord. No. O-2-65, art. 4; Ord. No. O-13-78)

Sec. 24-196. Map amendments.

(a) *Application of the council, etc.* The zoning map may be amended upon the application of the council, the planning commission or any person having an interest, as owner or contract purchaser, in the land which is the subject of the application.

(b) *General proposals of amendments.* A zoning map amendment may propose one new zoning classification for the property which is the subject of the application, or it may propose two or more alternative classifications for all of such property.

(c) *Information required on application; where filed.* Such application shall be filed with the city manager on forms supplied by the city manager, in such number of copies as shall be required by the city manager. Such application shall contain a description of the property which is the subject of the application, its location, the name and address of the applicant, the name and address of each person who owns an interest in the property, the existing zoning classification of the property, the new classification or classifications proposed and the application number of any map amendment application involving all or part of the property which has been acted upon in any manner by the city council or the district council for the Maryland-Washington Regional District in Montgomery County during the three years immediately prior to the filing of the application. The application shall also include such other information as shall be required by the city manager. If the description of the property is by metes and bounds, it shall be drawn with reference to Washington Suburban Sanitary Commission data.

(d) *Limitation on refiling.* Where a map amendment application includes land all or part of which has been the subject of a previous map amendment application which has been granted or denied by the city council, such application shall not be accepted for filing within twelve months after the effective date of the decision granting or denying such prior application. The council shall have the right to waive this limitation by resolution upon written request for such waiver, where the previous application was granted.

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(e) *Posting of notice.* Within five (5) days after the filing of a map amendment application, the applicant shall erect one or more signs to be supplied to him by the city manager giving notice of the number assigned to such application and the classifications proposed. Such sign or signs shall be erected by the applicant on the property which is the subject of the application in accordance with the specifications of this subsection. Ordinarily, such sign or signs shall be located on property which is the subject of the application. In the event the applicant is not the owner of the property and the owner refuses to permit a sign to be placed on the property, or in the event a sign on the property cannot be readily seen by the public, the city manager may direct that the sign or signs be placed on property other than the subject property in such locations as will give fair notice of the pendency of the application. All signs shall be posted in accordance with the following rules:

(1) At minimum, the sign shall contain the following information:

- (i) The title of "Mayor and Council and/or Planning Commission Hearing;"
- (ii) The type of application pending;
- (iii) The application number;
- (iv) The date, and place of the hearing; and
- (v) A phone number to call for additional information.

(2) If the property has frontage on one (1) or more improved streets, there shall be one (1) sign posted for each one thousand (1,000) feet (or fraction) of frontage on each street. The sign(s) shall be posted on the property not more than fifteen (15) feet from the street right-of-way so as to be visible from the improved portion of the street. When more than one (1) sign is required to be posted along a street, the signs shall, where practicable, be evenly spaced along the street.

(3) If the property does not have frontage on an improved public street, then a sign shall be placed on the property by the applicant near the boundary of the property and visible from an abutting or confronting property. A second sign shall be placed by the applicant near to, and visible from, the improved portion of the nearest, most traveled street. The second sign shall indicate it is not posted on the subject property.

(4) The minimum size of each sign shall be two (2) feet in width by three (3) feet in height for all signs to be located abutting streets that are two (2) lanes or smaller. However, the minimum size of each sign shall be four (4) feet in width by three (3) feet in height, for all signs to be located abutting streets that are larger than two (2) lanes.

(5) All signs posted shall be conspicuous and legible.

(6) The applicant shall be responsible for the cost of the sign and for reasonable maintenance of all signs posted. In the event a sign is removed, falls down, or otherwise is not posted correctly during the pendency of and including the date of the hearing, it shall be the responsibility of the applicant to re-post the sign. Following the hearing, it shall be the responsibility of the applicant to remove all signs posted within a five-day period following the hearing.

(7) The applicant shall file a written statement in the record verifying the posting.

(f) *Publication of notice.* In addition to the posting of notice, the city manager shall cause to be published notice of the time, date and place of the public hearing, together with a summary of the application or proposed regulation, restriction or boundary change, in at least one newspaper of general circulation in the city once each week for two successive weeks, with the first such publication of notice appearing at least fourteen days prior to the hearing. In the case of an application for a map amendment, such notification shall also include the amount of land involved, its location, the name of the applicant, the name of the owner, if different from the

applicant, the existing zoning classification and the new classification or classifications proposed.

(g) *Mailing of notice.* In addition to the posting and publication of notice required above, the city manager shall, promptly, after the filing of a map amendment application, mail notice of the filing of the application to the owner of every property, any part of which is located within two hundred feet of the boundary of the property which is the subject of the application. The names and addresses of the owners of such property shall be supplied by the applicant at the time of the filing of the application. Failure of any owner of any such property to receive such notice shall not be a basis for denial of the application.

(h) *Action by the council.* The council may dismiss an application to amend the zoning map or failure to comply with the requirements of this article. If such application shall comply with such requirements, the council may deny it, or grant it, or grant it with modifications, or permit it to be withdrawn. The action of the council granting a zoning map amendment application either with or without modifications shall be by ordinance. The action of the council denying such an application or permitting it to be withdrawn shall be by resolution. The council may grant a map amendment application for any one of the classifications requested in the application or for a different classification.

(i) *Reconsideration by council.* Action by the council on any zoning map amendment shall, after thirty days, be final and not subject to reconsideration, except through the filing of a new application. Within such thirty-day period, the city council may recall for reconsideration any map amendment; provided, that before taking further action therein, a rehearing shall be scheduled and advertised and the property posted, as in the case of a new application.

(Ord. No. O-2-65, art. 4; Ord. No. O-13-78; Ord. No. O-16-82; Ord. No. O-13-01, 7-2-01)

Sec. 24-196.1. Grant of zoning with conditions--Authorized.

(a) Upon the zoning or rezoning of any land, whether by local map amendment, comprehensive zoning or zoning of newly annexed land, the city council is authorized to impose as part of such approval restrictions, conditions, and limitations upon the design of buildings and structures, landscaping or other improvements, alterations and changes made or to be made upon the land to be rezoned which the council deems appropriate to preserve, improve or protect the subject property or adjacent lands and improvements.

(b) Prior to approval of any zoning or rezoning with restrictions, conditions, or limitations, the city council shall provide notice of public hearing as provided for in this chapter for map amendments.

(c) Any restrictions, conditions, and limitations imposed under this section shall be enforced by the city planning commission through the site development plan approval provisions of Article V of this Chapter 24.

(Ord. No. O-4-03, 4-22-03)

Sec. 24-197. Requirements as to text and map amendments.

(a) *Referral to planning commission.* The city manager shall refer to the planning commission every application for amendment to the text or the zoning map.

(b) *Hearing.* The council and the planning commission shall conduct a public hearing on every proposal to amend the text of this chapter or the zoning map. The hearing before the council shall be subject to the notification procedures set forth in section 24-196(f). Such hearings may be continued, without further advertising or posting, to another time or another place, or both, if

the time and place of the later hearing is announced at the advertised hearing.

(c) *Recommendation of planning commission.* The planning commission shall deliver to the city council as promptly as circumstances shall permit its recommendation with reference to each application to amend the text or the zoning map. In the event the planning commission shall fail to deliver such recommendation to the city council within thirty days following the hearing, the council may act upon such application without awaiting such recommendation.

(d) *Action of the council.* The council shall take action on the application within ninety days after the hearing. If the council shall fail to do so, the application shall be deemed to have been denied.

(e) *Notice to applicant and planning commission of action of council.* Notice of action taken by the council on any amendment to this chapter or to the zoning map shall, within seven (7) days thereof, be transmitted to the applicant and to the planning commission by the city manager.

(f) *Fees.* Each application to amend the zoning map shall be accompanied by a fee in accordance with a schedule of fees established by the council by resolution.

(Ord. No. O-2-65, art. 4; Ord. No. O-13-78; Ord. No. O-16-82)

Sec. 24-198. Optional method of application for local map amendments.

(a) In addition to the other requirements contained in this article and notwithstanding subsection (c) of section 24-196 of this Code, an applicant for a local map amendment to any zoning district except the R-A Zone and the MXD Zone may select an optional method for such application by so indicating on the appropriate application form and submitting a schematic development plan as part of the rezoning application. The schematic development plan shall be for the purpose of limiting a development standard or standards to less than the maximum permitted in the requested zone and/or limiting the land use of the applicant's subject property to one or more of the permitted uses in the zone. Approval by the council shall not be for a manner of development or use other than that for which has been applied. A schematic development plan consisting of a drawing of appropriate scale submitted for the purpose of limiting a development standard or standards and/or land use shall include upon such plan, as a minimum, the following as applicable to the property:

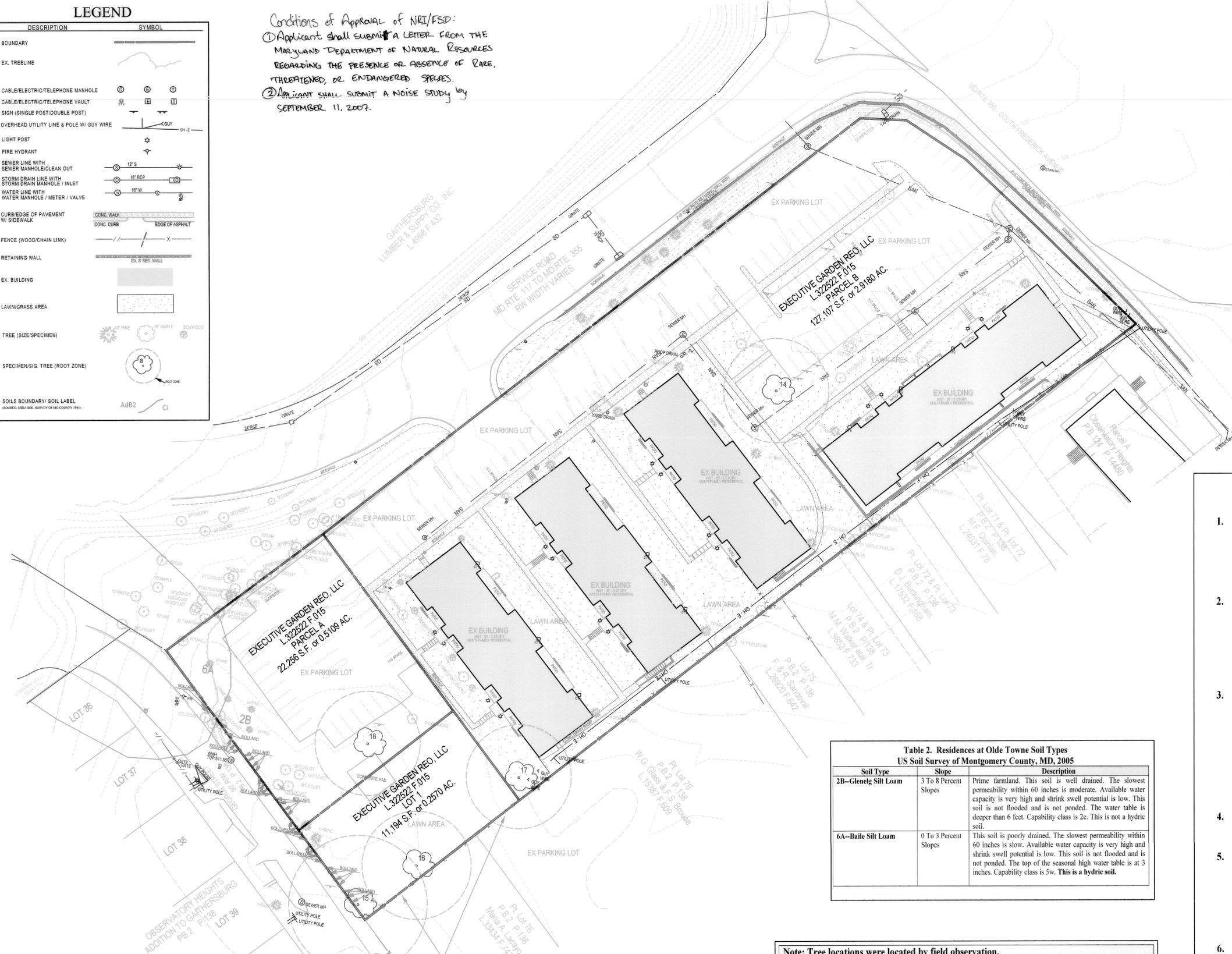
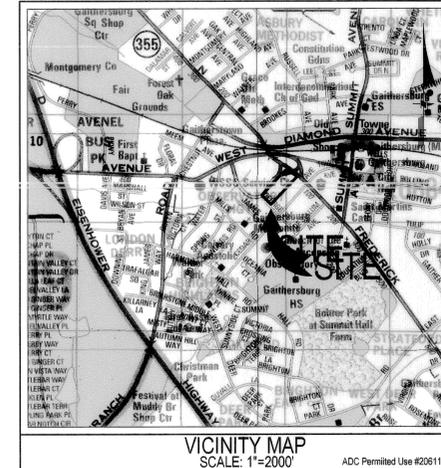
- (1) The use or uses of all buildings and structures.
- (2) The location, height and approximate dimensions of all buildings and structures.
- (3) The location of points of access to the site.
- (4) The location of parking areas.
- (5) Existing topography, including:
 - a. Contour intervals of not more than five (5) feet;
 - b. An approved forest stand delineation and forest conservation plan, as defined in Chapter 22 and required by section 22-7 of this Code;
 - c. One hundred-year floodplains;
 - d. Other natural features, such as rock outcroppings and scenic views; and
 - e. Utility easements, if any.

(b) All applications filed under the optional method of application for local map amendment shall also include a proposed covenant, suitable for filing in the land records of the county, which shall indicate in specific language that the property which is the subject of the application is restricted in its use and/or development standards to the schematic development plan and

LEGEND

DESCRIPTION	SYMBOL
BOUNDARY	---
EX. TREELINE	~
CABLE/ELECTRIC/TELEPHONE MANHOLE	⊙
CABLE/ELECTRIC/TELEPHONE VAULT	⊠
SIGN (SINGLE POST/DOUBLE POST)	⊞
OVERHEAD UTILITY LINE & POLE W/ GUY WIRE	—○—
LIGHT POST	⊙
FIRE HYDRANT	⊙
SEWER LINE WITH SEWER MANHOLE/CLEAN OUT	—○—
STORM DRAIN LINE WITH STORM DRAIN MANHOLE / INLET	—○—
WATER LINE WITH WATER MANHOLE / METER / VALVE	—○—
CURB/EDGE OF PAVEMENT W/ SIDEWALK	—○—
FENCE (WOOD/CHAIN LINK)	—X—
RETAINING WALL	—X—
EX. BUILDING	▭
LAWN/GRASS AREA	▭
TREE (SIZE/SPECIMEN)	⊙
SPECIMEN/SIG. TREE (ROOT ZONE)	⊙
SOILS BOUNDARY / SOIL LABEL	AdB2, Ci

Conditions of Approval of NRI/FSD:
 ① Applicant shall submit a letter from the Maryland Department of Natural Resources regarding the presence or absence of rare, threatened, or endangered species.
 ② Applicant shall submit a noise study by September 11, 2007.



NATURAL RESOURCES INVENTORY – GENERAL NOTES

- Site Description & History**
 - Gross Tract Area: 3.68 Acres
 - The property consists mainly of four multi-family apartment building and associated parking lots and maintained lawns. Some trees exist along the southern and southwestern property boundary.
- Vegetation**
 - Total Forested Area: 0 acres
 - Where appropriate, specimen or significant trees (generally those trees ≥ 24 inches DBH or 75% of the diameter size of the currently listed State Champion for a given species) are noted on the NRI plan.
 - There are 5 specimen trees located on the property. These trees were field located.
- Hydrology**
 - Watershed: Great Seneca creek, Long Draught Branch, Use I.
 - Wetland Area: 0 Acres, Forested Wetland Area: 0
 - Stream valley buffers (SVB): 0 Acres, Forested SVB: 0 Acres.
 - Wetland information on this plan is from a study performed by: LSA, Inc. dated June 27, 2007.
 - Floodplain Area: 0 Acres, Forested Floodplain: 0 Acres
- Topography**
 - The topography shown on this plan is from field survey, dated August 2007.
- Rare, Threatened or Endangered Species**
 - No rare, threatened, or endangered (RTE) species were observed during the field visit. An inquiry to the Maryland Department of Natural Resources (MDNR) Wildlife and Heritage Division was made in August 2007 requesting any information on recorded occurrences or potential for RTE species for the property and the immediate vicinity. A response has not yet been received.
- Historical Features**
 - Historical Features: No historic feature exist onsite. (Source: Location Atlas and Index of Historic Sites for Montgomery County, Maryland (MNCPPC, 1976)).
 - Scenic/Historic Roads: No Scenic/Historic Roads exist onsite. (Source: Designated Scenic and Historic Road list of Montgomery County, MD.)

Table 2. Residences at Olde Towne Soil Types
 US Soil Survey of Montgomery County, MD, 2005

Soil Type	Slope	Description
2B-Glenelg Silt Loam	3 To 8 Percent Slopes	Prime farmland. This soil is well drained. The slowest permeability within 60 inches is moderate. Available water capacity is very high and shrink swell potential is low. This soil is not flooded and is not ponded. The water table is deeper than 6 feet. Capability class is 2e. This is not a hydric soil.
6A-Baile Silt Loam	0 To 3 Percent Slopes	This soil is poorly drained. The slowest permeability within 60 inches is slow. Available water capacity is very high and shrink swell potential is low. This soil is not flooded and is not ponded. The top of the seasonal high water table is at 3 inches. Capability class is 5w. This is a hydric soil.

Note: Tree locations were located by field observation.

Tag #	Common Name	Scientific Name	DBH (inches)	Remarks / Condition
14	Silver Maple	<i>Acer saccharinum</i>	35	Good, open grown crown
15	Silver Maple	<i>Acer saccharinum</i>	33	Poor, 1 broken lead
16	Silver Maple	<i>Acer saccharinum</i>	26	Fair, multi-lead
17	Black Cherry	<i>Prunus sarotina</i>	25	Fair, cavity in base
18	Silver Maple	<i>Acer saccharinum</i>	25	Fair, codominant stem

CITY OF GAITHERSBURG
 31 S. SUMMIT AVE., GAITHERSBURG, MARYLAND 20877
NRI/FSD APPROVAL
 THE CITY OF GAITHERSBURG DEVELOPMENT REVIEW TEAM HEREBY GRANTS APPROVAL OF NATURAL RESOURCE INVENTORY/ FOREST STAND DELINEATION FOR APPLICATION NO. P-1-09-0005
 DATE 9-6-2009 BY [Signature]

Joint Hearing - MCC & PC
Z-309
#8

NATURAL RESOURCE INVENTORY
 FOREST STAND DELINEATION

RESIDENCES AT OLDE TOWNE
 PHASE 1
 EXECUTIVE GARDENS APARTMENTS
 9TH ELECTION DISTRICT - GAITHERSBURG

Scale: 1" = 30'
 SHEET 1 of 1
 PROJECT NO. 2990-02-00

Rockville Lanham Frederick Waldorf Location/Chantilly
 ROCKVILLE OFFICE
 2 Research Place, Suite 100
 Rockville, MD 20850
 t. 301.948.2750 f. 301.948.9067

NO.	REVISIONS	BY	DATE
2	Revisions to NRI - City of Gaithersburg Environmental Services Divisions Comments	NGB	08/28/07
1	Revisions to NRI - City of Gaithersburg Environmental Services Divisions Comments	NGB	08/22/07

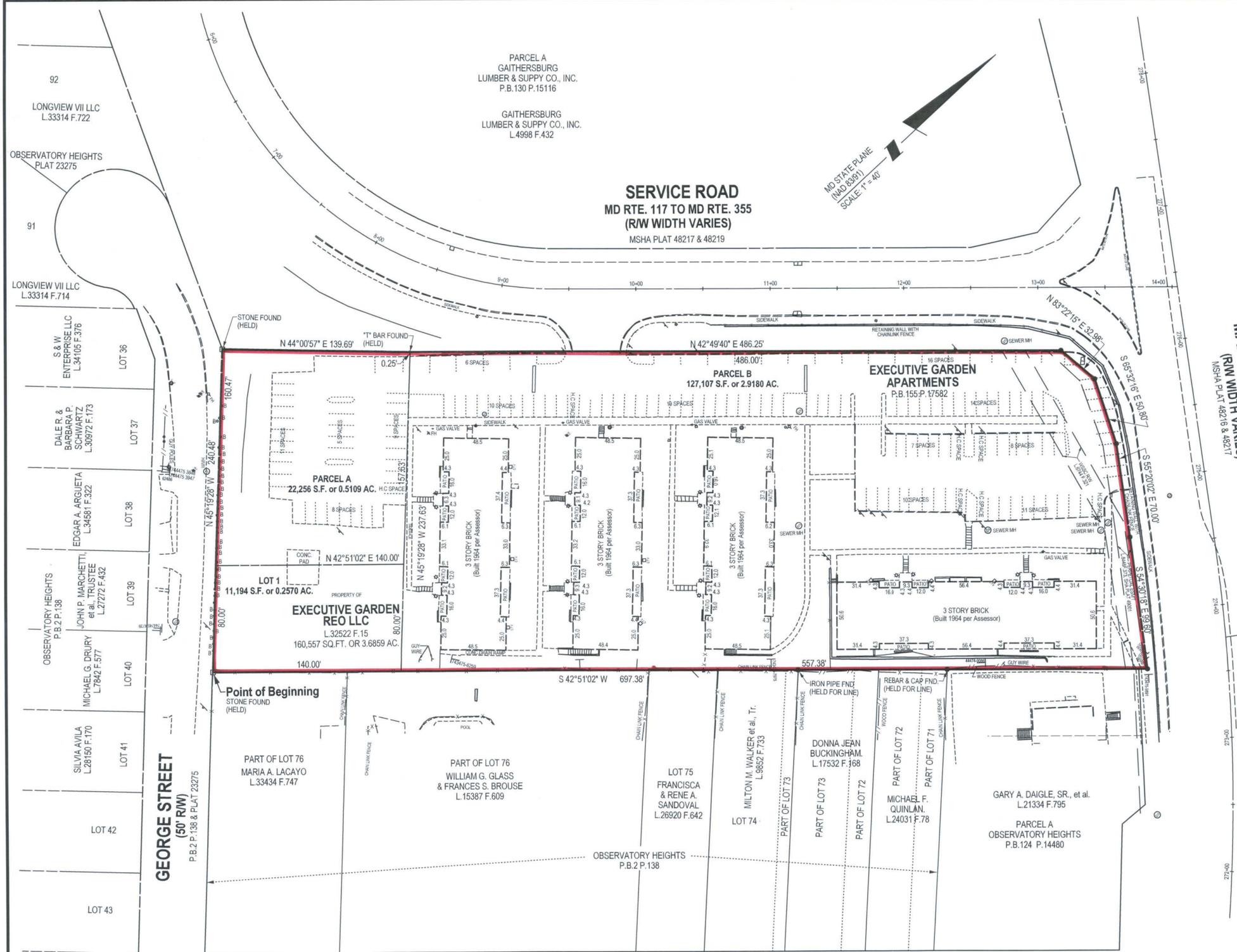
Map 19	Grid E-8
Tax Map FT 561	Zoning Category: R20
M-NCPPC 200' Sheet	223 NW 10
WSSC 200' Sheet	223 NW 10

Designed: CB	Checked: KB
Date: 08/09/2007	CAO Standards Version: VER 8
Technician: JS	



MISS UTILITY NOTE
 INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT "MISS UTILITIES" AT (800) 551-7171, 48 HOURS PRIOR TO THE START OF EXCAVATION. CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES. WHOEVER IS LESS CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

PROJECT NO. 2990-02-00



NOTES:

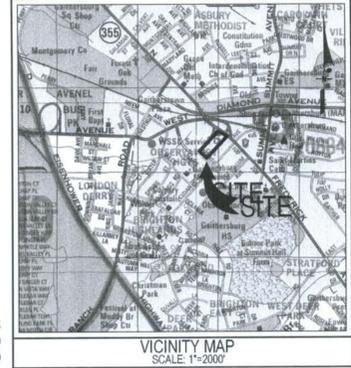
1.) HORIZONTAL DATUM SHOWN HEREON IS MARYLAND STATE PLANE GRID, NAD 83 AND IS BASED UPON THE CORS STATIONS LISTED BELOW:

PID	DESIGNATION	LATITUDE	LONGITUDE
AF9522	GAIT GAITHERSBURG CORS ARP	N390802.340	W0771315.518
AI7403	USNO U.S. NAVAL OBSERV CORS ARP	N385508.236	W0770358.396
DH4144	LWX1 STERLING CORS ARP	N385821.634	W0772918.963
AF9646	GODE GODDARD SPACE CTR CORS ARP	N390118.189	W0764936.575
AJ4426	ANP1 ANNAPOLIS 1 CORS ARP	N390037.004	W0763633.281
AJ4647	HAG2 HAGERSTOWN 2 CORS ARP	N393312.483	W0774250.752

PROJECT AVERAGES: SCALE x ELEVATION = COMBINED
 0.99996046 x 0.99997752 = 0.99993799

PROJECT GRID FACTOR = 0.99993799

2.) THE PROPERTY INCLUDED IN THIS SURVEY LIES WITHIN "ZONE X", AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN, AS INDICATED ON FEDERAL EMERGENCY MANAGEMENT AGENCY MAP ENTITLED "FIRM", "FLOOD INSURANCE RATE MAP", MONTGOMERY COUNTY, MARYLAND, AND INCORPORATED AREAS PANEL NUMBER 189 OF 480 MAP NUMBER 24031C0189D WITH AN EFFECTIVE DATE: SEPTEMBER 29, 2006.



PROPERTY OF
EXECUTIVE GARDEN REO LLC
 L.32522 F.15
 PARCEL A PARCEL B AND LOT 1
EXECUTIVE GARDEN APARTMENTS
 P.B. 155 P.17582
 GAITHERSBURG (9TH) ELECTION DISTRICT
 CITY OF GAITHERSBURG
 MONTGOMERY COUNTY, MARYLAND

Being all of the property described in a conveyance from CONSOLIDATED-EXECUTIVE, LLC a Maryland limited liability company, to EXECUTIVE GARDEN REO LLC, a Delaware limited liability company, by Special Warranty Deed dated June 16, 2006 and recorded among the Land Records of Montgomery County, Maryland in Liber 32522 at Folio 15, said property being all of Parcel A, Parcel B and Lot 1, as shown on a plat of subdivision entitled "LOT-1 AND PARCELS A & B, EXECUTIVE GARDEN APARTMENTS" and recorded among the aforesaid Land Records in Plat Book 155 as Plat 17582; and being more particularly described in the meridian of the Maryland State Plane Grid System (NAD 83/91), as follows:

Beginning for the same at a stone found marking the end of the South 45°24' East, 240.57 foot line as shown on the aforementioned plat, said line also being the northeasterly right of way line of George Street, 50 foot right of way, and running thence with and along said right of as now surveyed

- North 45°19'28" West, 240.48 feet to a stone found marking the northwesterly corner of said Parcel A, said stone also lying on the southeasterly right of way line of a Service Road running from Maryland Route 117 to Maryland Route 355, said service road also being shown on a SRC plat 48219 and 48217; thence running with and along said service road the following three (3) courses
- North 44°00'57" East, 139.69 feet to a T-Bar found; thence
- North 42°49'40" East, 486.25 feet to a point; thence
- North 83°22'15" East, 32.98 feet to a point on the southwesterly right of way line of Maryland Route 355, right of way width varies, as shown on said SRC Plat 48217; thence running with and along said Maryland Route 355 the following three (3) courses
- South 65°32'16" East, 50.80 feet to a point; thence
- South 55°20'02" East, 70.00 feet to a point; thence
- South 54°30'18" East, 99.60 feet to a point; thence departing said Maryland Route 355 and running with the common line between the aforesaid Lot-1 and Parcel B, Executive Gardens, and Parcel A as shown on a plat of subdivision entitled "PARCEL A, OBSERVATORY HEIGHTS" and recorded among the aforesaid Land Records in Plat Book 124 as Plat 14480 and Part of Lot 71 and Lots 72 thru 76 as shown on a plat of subdivision entitled "OBSERVATORY HEIGHTS" and recorded among the aforesaid Land Records in Plat Book 2 as Plat 138

SURVEYOR'S CERTIFICATE

I hereby certify to the best of my professional knowledge, information and belief, that the boundary information shown hereon is correct and that it is based on a survey actually made on the ground August 24, 2007, and that it was prepared by the undersigned or under his direct supervision, and that it meets the standards set forth in Comar 09.13.06.03.

Kenneth L. Dye
 Property Line Surveyor
 Maryland Reg. No. 556
 September 5, 2007
 Date



GEORGE STREET
 (60' R/W)
 P.B.2 P.138

Joint Hearing - MCC & PC
Z-309
#9



Loiederman Soltz Associates, Inc.
 ROCKVILLE OFFICE
 2 Research Place, Suite 100
 Rockville, MD 20850
 t. 301.948.2750 f. 301.948.9067
 www.LSAssociates.net

NO.	REVISIONS	BY	DATE

Date: _____
 Drawn: _____
 Checked: _____

Copyright ADC The Map People
 Permitted Use Number 2061199

Map	Grid
Tax Map	Zoning Category
M-NCPP 200' Sheet	
WSSC 200' Sheet	

MISS UTILITY NOTE

INFORMATION CONCERNING EXISTING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. THE CONTRACTOR MUST DETERMINE THE EXACT LOCATION AND ELEVATION OF ALL EXISTING UTILITIES AND UTILITY CROSSINGS BY DIGGING TEST PITS BY HAND, WELL IN ADVANCE OF THE START OF EXCAVATION. CONTACT "MISS UTILITY" AT 1-800-257-7777, 48 HOURS PRIOR TO THE START OF EXCAVATION, IF CLEARANCES ARE LESS THAN SHOWN ON THIS PLAN OR TWELVE (12) INCHES, WHOEVER IS LESS, CONTACT THE ENGINEER AND THE UTILITY COMPANY BEFORE PROCEEDING WITH CONSTRUCTION. CLEARANCES LESS THAN NOTED MAY REQUIRE REVISIONS TO THIS PLAN.

BOUNDARY SURVEY

PROPERTY OF
EXECUTIVE GARDEN REO LLC
 L.32522 F.15
PARCEL A PARCEL B AND LOT 1
EXECUTIVE GARDEN APARTMENTS
 P.B.155 P.17582
 GAITHERSBURG (9TH) ELECTION DISTRICT
 CITY OF GAITHERSBURG
 MONTGOMERY COUNTY, MARYLAND



1" = 40'
SHEET 1 OF 1
PROJECT NO. 2990-02-00



February 20, 2009

Bonnie Geiger
Law Section
The Gazette Newspaper
2-A North Market Street
Frederick, Maryland 21701

Dear Ms. Geiger:

Please publish the following legal advertisement in the **February 25 and March 4, 2009**, issues of the *Gaithersburg Gazette*.

Sincerely,
Jacqueline Marsh

Jacqueline Marsh, Planner
Planning and Code Administration

ASSIGN CODE: **Z-309**

Acct# **133649**

NOTICE OF PUBLIC HEARING

The Mayor and Council and Planning Commission of the City of Gaithersburg will conduct a joint public hearing on Z-309, filed by Jody Kline, Esq., for Keystone Real Estate Investments, on

**MONDAY
MARCH 16, 2009
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

This is an application to rezone 3.6859 acres of land from the R-20 (Medium Density Residential) Zone to the CD (Corridor Development) Zone in accordance with § 24-196 (Map Amendments) and § 24-160G.6 (Procedure for Application and Approval) of the City Code. The property is located at 12-16 South Frederick Avenue, includes Parcels N323 & N271, and is commonly known as Executive Gardens Apartments.

Further information may be obtained from the Department of Planning and Code Administration at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday, or visit the City's website at www.gaithersburgmd.gov.

Jacqueline Marsh, Planner
Planning and Code Administration

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098
301-258-6300 • FAX 301-258-6149 • TTY 301-258-6430 • cityhall@gaitersburgmd.gov • www.gaithersburgmd.gov

MAYOR
Sidney A. Katz

CITY COUNCIL MEMBERS
Jud Ashman
Cathy C. Drzyzgula
Henry F. Marraffa, Jr.
Michael A. Sesma
Ryan Spiegel

CITY MANAGER
Angel L. Jones

Joint Hearing - MCC & PC
Z-309
#10



CITY OF GAITHERSBURG
31 South Summit Avenue
Gaithersburg, Maryland 20877
Telephone: 301-258-6330

NOTICE OF JOINT PUBLIC HEARING

The City of Gaithersburg Mayor and Council and Planning Commission will conduct a public hearing at the time and place noted below.

Meeting: **MAYOR AND CITY COUNCIL**
Application Type: **ZONING MAP AMENDMENT**
File Number: **Z-309**
Location: **12-16 SOUTH FREDERICK AVENUE, PARCELS N323 & N271, GEORGE STREET**
Applicant: **JODY KLINE, ESQ. FOR KEYSTONE REI**
Current Zoning: **R-20 (MEDIUM DENSITY RESIDENTIAL) ZONE**
Requested Zone: **CD (CORRIDOR DEVELOPMENT) ZONE**
Day/ Date/Time: **MONDAY, MARCH 16, 2009; 7:30 PM**
Place: **COUNCIL CHAMBERS, GAITHERSBURG CITY HALL
31 SOUTH SUMMIT AVENUE**

*****IMPORTANT*****

This is an application to rezone 3.6859 acres of land from the R-20 (Medium Density Residential) Zone to the CD (Corridor Development) Zone in accordance with §24-196 (Map Amendments) and §24-160G.6 (Procedure for Application and Approval) of the City Code. The property is located at 12-16 South Frederick Avenue, includes Parcels N323 & N271, and is commonly known as Executive Gardens Apartments. This is a joint public hearing, which allows the public an opportunity to participate and comment on this request. Contact the Planning and Code Administration City Planner listed below at (301) 258-6330 if you should have any questions and/or to learn more about this process and your ability to offer testimony and input.

Joint Mayor and City Council & Planning Commission meetings can be viewed live on Gaithersburg Cable Television Channel 13, and at anytime (on demand) two weeks after the public hearing via the Internet and Web TV at <http://www.gaithersburgmd.gov>

CITY OF GAITHERSBURG

By: _____
Jacqueline Marsh, Planner
Planning and Code Administration

SEE LOCATION MAP ON REVERSE SIDE

Joint Hearing - MCC & PC
Z-309
#11

NOTICES SENT THIS 23rd DAY OF FEBRUARY, 2009, TO:

APPLICANT AND INTERESTED PARTIES

(A list of interested parties and agencies is available in the file in the Planning and Code Administration.)

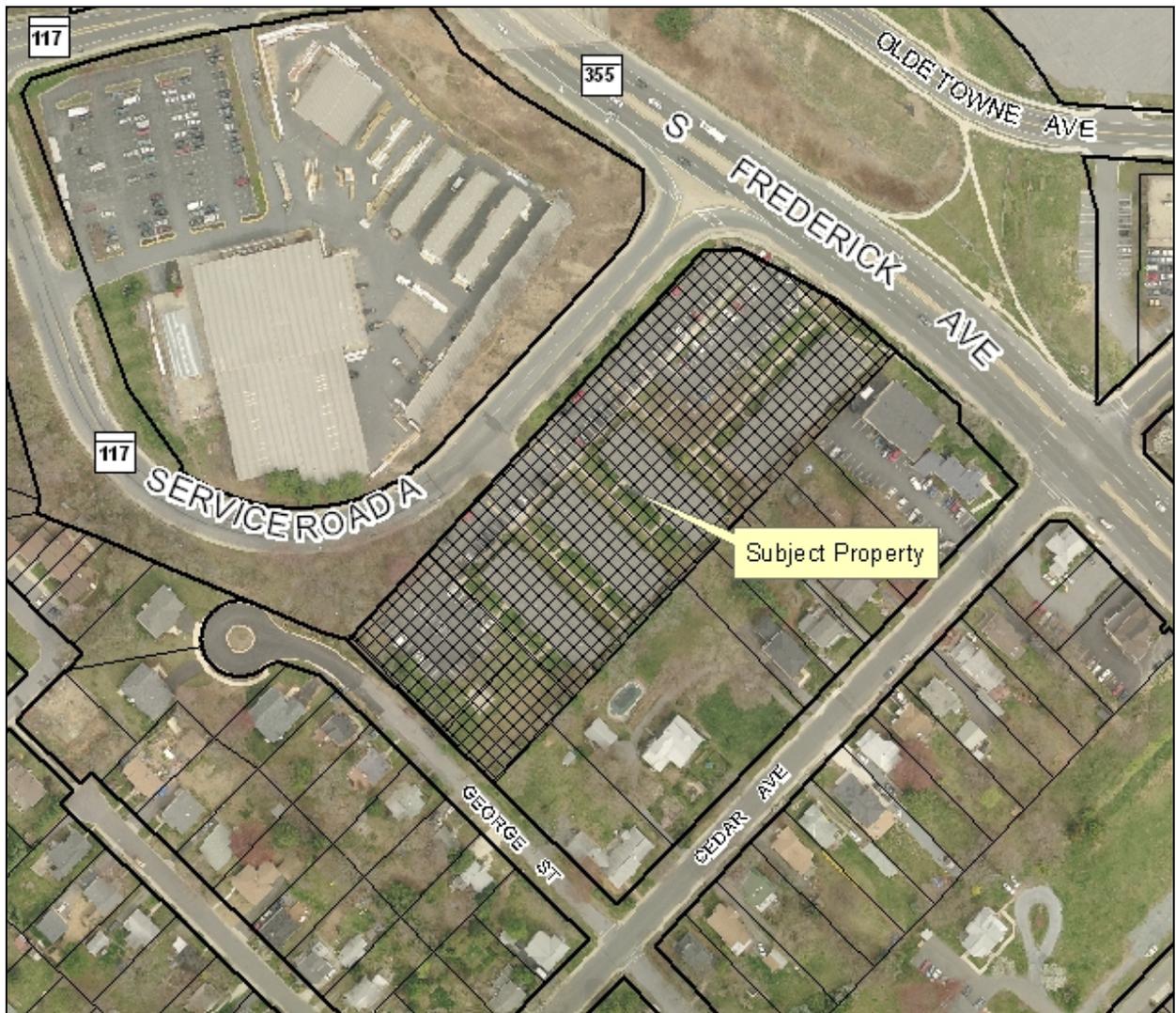
MAYOR AND COUNCIL

PLANNING COMMISSION

CITY STAFF

Angel Jones, City Manager
Frederick J. Felton, Assistant City Manager
Tony Tomasello, Assistant City Manager
Lynn Board, City Attorney
Britta Monaco, Public Information Director
Doris Stokes, Administrative Assistant
Jeff Baldwin, City Web Administrator (via email)

LOCATION MAP



BETTTY COLLINS
7229 POMPANO TERRACE
GAITHERSBURG MD 20879

KEYSTONE REI
RICH KOCH
103 LEEKES LOT WAY
GAITHERSBURG MD 20878

DVA LLC
KIRIT THAKKAR
400 PROFESSIONAL DR
SUITE 200
GAITHERSBURG MD 20879

LSA INC
STEVE TAWES
2 RESEARCH PLACE
SUITE 100
ROCKVILLE MD 20850

MILLER MILLER & CANBY
JODY KLINE
200-B MONROE ST
ROCKVILLE MD 20850

OCCUPANT
28 S FREDERICK AVE SUITE 101
GAITHERSBURG MD 20877

OCCUPANT
32 S FREDERICK AVE
GAITHERSBURG MD 20877

OCCUPANT
28 S FREDERICK AVE SUITE 102
GAITHERSBURG MD 20877

OCCUPANT
28 S FREDERICK AVE SUITE 103
GAITHERSBURG MD 20877

OCCUPANT
28 S FREDERICK AVE SUITE 104
GAITHERSBURG MD 20877

OCCUPANT
28 S FREDERICK AVE SUITE 105
GAITHERSBURG MD 20877

OCCUPANT
28 S FREDERICK AVE SUITE 106
GAITHERSBURG MD 20877

OCCUPANT
28 S FREDERICK AVE SUITE 107
GAITHERSBURG MD 20877

OCCUPANT
28 S FREDERICK AVE SUITE 108
GAITHERSBURG MD 20877

OCCUPANT
28 S FREDERICK AVE SUITE 109
GAITHERSBURG MD 20877

OCCUPANT
28 S FREDERICK AVE SUITE 110
GAITHERSBURG MD 20877

OCCUPANT
23 W DIAMOND AVE SUITE 205
GAITHERSBURG MD 20877

OCCUPANT
28 S FREDERICK AVE
GAITHERSBURG MD 20877

OCCUPANT
16 CEDAR AVE
GAITHERSBURG MD 20877

OCCUPANT
104 CEDAR AVE
GAITHERSBURG MD 20877

OCCUPANT
14 CEDAR AVE
GAITHERSBURG MD 20877

OCCUPANT
102 CEDAR AVE
GAITHERSBURG MD 20877

OCCUPANT
12 S FREDERICK AVE APT 202
GAITHERSBURG MD 20877

OCCUPANT
23 W DIAMOND AVE
GAITHERSBURG MD 20877

OCCUPANT
122 GEORGE ST
GAITHERSBURG MD 20877

OCCUPANT
32 S FREDERICK AVE SUITE A
GAITHERSBURG MD 20877

OCCUPANT
23 W DIAMOND AVE SUITE 101
GAITHERSBURG MD 20877

OCCUPANT
23 W DIAMOND AVE SUITE 102
GAITHERSBURG MD 20877

OCCUPANT
22 S FREDERICK AVE APT 201
GAITHERSBURG MD 20877

OCCUPANT
22 S FREDERICK AVE APT 203
GAITHERSBURG MD 20877

OCCUPANT
22 S FREDERICK AVE APT 205
GAITHERSBURG MD 20877

OCCUPANT
22 S FREDERICK AVE APT 207
GAITHERSBURG MD 20877

OCCUPANT
24 S FREDERICK AVE APT 1
GAITHERSBURG MD 20877

OCCUPANT
24 S FREDERICK AVE APT 2
GAITHERSBURG MD 20877

OCCUPANT
24 S FREDERICK AVE APT 4
GAITHERSBURG MD 20877

OCCUPANT
24 S FREDERICK AVE APT 102
GAITHERSBURG MD 20877

OCCUPANT
24 S FREDERICK AVE APT 104
GAITHERSBURG MD 20877

OCCUPANT
24 S FREDERICK AVE APT 106
GAITHERSBURG MD 20877

OCCUPANT
20 S FREDERICK AVE APT 2
GAITHERSBURG MD 20877

OCCUPANT
20 S FREDERICK AVE APT 4
GAITHERSBURG MD 20877

OCCUPANT
20 S FREDERICK AVE APT 102
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MICHAEL F QUINLAN
2 CEDAR AVE
GAITHERSBURG MD 20877

MILTON MTRUST WALKER
108 CEDAR AVE
GAITHERSBURG MD 20877

FRANCISCA & RENE A SANDOVAL
21900 NEW HAMPSHIRE AVE
BROOKEVILLE MD 20833

JOAN E ABEL
2122 CRILL AVE
PALATKA FL 32177

GAITHERSBURG LUMBER
& SUPPLY CO INC % BARRONS
23 W DIAMOND AVE
GAITHERSBURG MD 20877

CONSOLIDATED-EXECUTIVE LLC
PO BOX 1189
BROOKLANDVILLE MD 21022

GARY A DAIGLE
C/O JAMES HAGGERTY
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DALE R & BARBARA P SCHWARTZ
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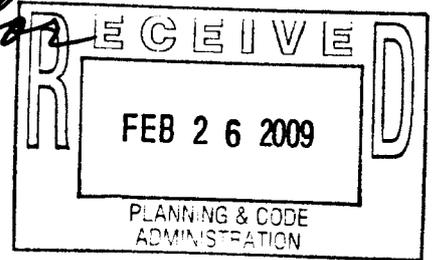
MRS WANG
316 HAMMONTON PL
SILVER SPRING MD 20904

My Name: Je-Ru Wang (Longview VII, L.L.C.)

owner: 122, 126, 112 George St.
Gaithersburg, MD 20877

RE:

Against the zoning change for
the suite 355



Reasons:

- ① too big of density change from neighbor's 3 houses/Acres zone (R-90) to 74 ~~units~~ units/Acres (CD) (proposed scheme)
- ② Existing zoning R-20 (2.5 units/Acres) is ~~more~~ more appropriate to match the neighbor R-90 single family density, height and building volumes.
- ③ It is totally not appropriate to allow the exit road from the George St. Because the site's main entrance from SHA Ramp is not very convenient access from 355 (Rockville pike); it will end up with ~~the~~ majority of the residence come-in and out from the George St. George St is a small and not well paved street. The original several houses will be disturbed by this entrance very very badly.

Proposed
④ The building is too massive and too high compared with neighbor's house. If they want to make the economically work, they should at least cut off the east wing against the George St.

We are looking forward to see the new redevelopment project approved to improve the neighborhood crime rate and Gaithersburg's new image. But this proposal is only make the area look worst due to inconsideration of neighbor's existing situation.

Thanks.

Sincerely,


2/26/09

MEMORANDUM TO: Mayor and City Council
Planning Commission

VIA: Angel L. Jones, City Manager

FROM: Greg Ossont, Director
Planning and Code Administration

DATE: February 23, 2009

SUBJECT: Project Updates/Rezoning Applications

The purpose of this memorandum is to inform the Mayor and City Council and Planning Commission on the status of three major projects the City planning staff have been working on and anticipates scheduling for public hearings in the near term.

Two of the projects propose rezoning to the Corridor Development (CD) Zone. The purpose and intent of the CD Zone is to "...improve the aesthetic quality of the Corridor, to provide a safer pedestrian environment, to identify and preserve historic resources in the Corridor, and to ensure continued economic revitalization." Further, both of these projects in the Frederick Avenue Corridor are consistent with the City's Master Plan Themes.

Specifically, the *Redevelopment*, *Housing* and *Economic Development* themes contain several applicable objectives and actions which are attached for your review. Encouraging redevelopment of aging properties using Smart Growth principles to ensure quality development and pursuing decisions that support the long term sustainability of the City are consistent throughout the referenced themes.

Given the recent updates to the City's Strategic Plan and the emergence of economic development as a high priority, the City's Priority Capital Projects (Frederick Avenue Corridor) as well as the purposes of the City's Master Plan and CD Zone, staff believes both projects will further these goals, add future value to the City and provide a significant enhancement to the Commercial/Fairgrounds District of the Frederick Avenue Corridor.

Desellum Avenue, Wilson Property

This project involves the consolidation of five properties at the corner of South Frederick Avenue and Desellum Avenue. A locally designated historic structure would undergo a renovation and adaptive reuse and another undesignated structure would also undergo a renovation and then undergo designation as a historic resource. Two other structures would be razed and a new, LEED certified, 2-story medical office building would be constructed along South Frederick Avenue.

Throughout this project, the acknowledgement of the historic resources will help to maintain the integrity of the original City limits and support the City's commitment to remembering its past while stimulating economic improvement through redevelopment in the area.

Joint Hearing - MCC & PC
Z-309
#14

Executive Gardens Redevelopment, South Frederick Avenue

This project involves the redevelopment of the existing 85-unit garden style apartments to a multi-story, multi-family project with underground parking. This project would necessitate a rezoning from the R-20 Zone to the CD (Corridor Development) Zone.

The 2003 Master Plan's *Housing Theme* recommends development of additional multi-family buildings to support existing town centers (Olde Towne) and encourage redevelopment. The proposed project will replace a declining and underutilized property along the Corridor. The *Housing Theme* also suggests improving the condition of the City's existing housing stock overall by encouraging the redevelopment of aging apartment complexes.

Orchard Pond Apartments, Clopper/Quince Orchard

This project would entail a rezoning from the current R-20 zone to the MXD (Mixed Use Development) Zone. As such, an amended sketch plan and new schematic development plan are required. A majority of the existing 747-unit complex would remain as is, while the portion closest to Quince Orchard Road would be redeveloped with multi-family units and structured parking. Significant storm water management and stream restoration of the Long Branch Stream would be required as part of the near term redevelopment.

Long term, this will be an opportunity for the City ensure an appropriate range of densities and uses in proximity to the Corridor Cities Transitway (CCT) and Watkins Mill Town Center while maintaining the flexibility for the appropriate and exact mix of these densities and uses to be determined in the future.

All three of these upcoming projects will take advantage of the existing infrastructure in order to limit the cost and imposition of installing new facilities such as new roads and the extension of public utilities. However, the existing infrastructure will be upgraded to enhance the property and quality of life for the surrounding community.

Once complete staff completes the customary internal reviews, the projects will be scheduled for the joint public hearings.

I hope this information is helpful. Please contact me directly if you have any questions at 301-258-6330 or gossont@gaitersburgmd.gov

Sec. 24-160G.1. Purpose.

It is the purpose of the Corridor Development Zone to:

- (a) Encourage a form of development, consistent with the goals and provisions of the respective corridor area master plan for the city, that will achieve the physical characteristics necessary to enhance the economic vitality, planned visual character and quality of life within an identified transportation corridor in the city.
- (b) Create a more attractive and cohesive development pattern and to enhance the city's sense of place through the creation of individual character associated with the corridor in the applicable corridor master plan.
- (c) Encourage development and redevelopment and renovation of declining or underutilized properties along the corridor.
- (d) Encourage the use of consistent, compatible and attractive architecture, streetscape and visual themes.
- (e) Create a streamlined process for zoning and plan approvals.
- (f) Provide an appropriate scale of development and mix of retail, service, employment and residential uses as recommended in the applicable corridor plan.

(Ord. No. O-12-00, 8-7-00)

Sec. 24-160G.2. Uses allowed.

- (a) *Permitted uses.* All uses listed as permitted and not as special exceptions or conditional uses in all zoning districts unless otherwise prohibited except:
- (b) *Prohibited uses.* All of the following uses are prohibited in the CD Zone:
 - (1) Automobile and truck body repair shops.
 - (2) Landscaping and excavation contractor business involving the storage and use of heavy trucks and equipment.
 - (3) Pawn shops.
 - (4) Production/manufacturing/assembly/processing uses set forth in section 24-136C of this Code, except those uses allowed in subsections (3), (4) and (14) of section 24-136C.
 - (5) Retail establishments involving the sale of adult only oriented videos, books, magazines, and marital aides which occupy more than fifty (50) percent of the gross floor area of the establishment.
 - (6) Tattoo parlors.
- (c) *Special exception uses.*
 - (1) Boarding homes.
 - (2) Group residential facilities operated by a non profit or public entity.
 - (3) Laboratories provided such uses meet all federal, state and local safety and fire regulations.
- (d) *Conditional uses.*
 - (1) Any use listed or permitted as a conditional use in any zoning district.

(Ord. No. O-12-00, 8-7-00)

THEMES

The Themes were created during the Master Plan process and adopted by the Mayor and City Council on October 7, 2002. The Themes set the vision of the City and help guide land use and policy decisions regarding the City's identity, development options, the location of town centers, environmental protection, transportation options, the scope and scale of community facilities, housing needs, economic development and education. Each Theme does not stand alone and they must all be considered when Master Plan, land use, policy and/or development decisions are made.

IDENTITY

Gaithersburg is a community that... has a remarkable sense of place, with a distinct identity and strong heritage, characterized by attractive public spaces.

Objective A: Improve Appearance of City Boundaries to Emphasize the Sense of Place.

- Action 1: Identify and prioritize location of entrance features.
- Action 2: Design and create distinctive entry features.
- Action 3: Identify and prioritize streetscape improvement areas.
- Action 4: Evaluate potential annexations.

Objective B: Design Attractive Public and Private Outdoor Places such as Parks, Squares, Streetscapes, and Courtyards.

- Action 1: Require developers to install art in public places where appropriate.
- Action 2: Identify and prioritize pocket parks throughout the City.
- Action 3: Develop a Master Plan for art in public places.
- Action 4: Enhance City identity of existing parks through signage, trash receptacles, landscape, lighting, etc., that is truly unique to Gaithersburg facilities.
- Action 5: Require play areas and tot lots to be dispersed through new development.
- Action 6: Develop a plan for Olde Towne Square that will illustrate the City's special heritage.

Objective C: Improve the Appearance of the City

Action 1: Implement the Frederick Avenue Corridor Plan.

Action 2: Approve and implement the City's draft sign ordinance.

Action 3: Create a unique City-wide theme for all public signage, such as road and destination signage.

Action 4: Require developers to install enhanced streetscape with all development and redevelopment.

Objective D: Protect Existing Landmarks, Scenic Views, Vistas, and Structures of Special or Architectural/Historic Value within the City of Gaithersburg.

Action 1: Identify for protection significant landmarks (buildings, bridges, natural resources, historic resources).

Action 2: Promote individual landmarks through marketing techniques and programs such as the Montgomery County Heritage Tourism Initiative and Arts & Entertainment District.

REDEVELOPMENT

Gaithersburg is a community that... will encourage orderly and managed redevelopment of aging areas using the themes developed herein, with an emphasis on decisions that ensure the stability of the City and that seek the continuous collaboration of all stakeholders.

Objective A: Utilize the City's 'Smart Growth' Principles to Encourage High Quality Infill Redevelopment.

Action 1: Promote the Traditional Neighborhood Development (TND) option and review past projects for accomplishments.

Action 2: Design mixed use, housing, commercial, office, industrial and public developments at a pedestrian scale that do not overly dominate the streetscape, promoting a more livable pattern of development.

Action 3: Promote the development of a system of walkways, bikeways, and streets that create connections between and among developments.

Action 4: Establish required buffering for future redevelopment that enhances and improves natural resources.

Action 5: Increase public green/open space through infrastructure re-design in existing neighborhoods.

Action 6: Preserve historic and other important structures and amenities during redevelopment.

Objective B: Create Incentives to Encourage Quality Redevelopment.

- Action 1: Reduce the parking requirements for projects that are within close proximity to transit or provide joint surface or structure parking.
- Action 2: Develop a program that allows for the transfer of open/green space requirements to other sites or a fee in lieu of the requirements.
- Action 3: Consider waiving the density or height requirements for a more desired project.
- Action 4: Allow for innovative Stormwater Management practices.
- Action 5: Consider reducing or waiving permit and development fees for more desired projects.

Objective C: Identify Properties for Redevelopment.

- Action 1: Utilize GIS information to assist in the identification of redevelopment opportunities.
- Action 2: Perform cost-benefit analysis of potential redevelopment projects.
- Action 3: Analyze rental housing inspection data, code violation and crime statistics history to assist in identifying properties in need of redevelopment.
- Action 4: Consider redevelopment options in all areas (even those that have recently developed).

Objective D: Continue to Implement and Update City-Wide and Community Plans.

- Action 1: Update Olde Towne Master Plan.
- Action 2: Continue to implement Frederick Avenue Corridor Plan and review the current approval process.
- Action 3: Revise the Zoning Ordinance to be consistent with existing and proposed City zones and land uses and with the Master Plan.

TOWN CENTERS

Gaithersburg is a community that... affirms the designations of the existing Town Centers which offer compact and efficient neighborhoods with vibrant centralized community-based focal points that attractively combine commercial, housing, civic, cultural, educational, transportation, and recreational opportunities.

A Town Center is a compact area with a mix of retail, office and commercial activity, with housing, that serves as a hub of community activity and an economic engine for the City. Easily accessible by area residents, Town Centers provide a destination and a gateway to other centers via regional transportation and are convenient for people who are on bicycles or on foot. Town Centers are logical places for compact housing development because of their proximity to transit, shopping and employment. Town Centers often offer community services such as libraries and civic offices and act as social gathering places where people take advantage of cultural and recreational activities.

Suitability for Town Centers designation will be considered when:

- The existing development pattern and zoning is conducive to supporting dense, mixed-use pedestrian oriented places.
- Current or future access to regional transportation facilities is available.
- Parks, public/private facilities, schools, community services and commerce can be provided for or planned.
- Public infrastructure can accommodate future growth and density.
- A mix of housing choices can be offered.

Objective A: Enhance and Preserve the Historic Feel and Appearance of Olde Towne as a Downtown Town Center.

Action 1: Encourage locally owned businesses and actively recruit small- and medium-sized businesses to locate in Olde Towne.

Action 2: Provide a unique collection of uses (specialty shops, restaurants and other uses) and provide a cultural theme that would foster a distinct destination Town Center

Action 3: Create places and activities for citizens to participate in and create civic symbols to identify with (downtown park and Bell Tower). Residents should be reconnected with their downtown to take pride and identify it as their place to gather.

Action 4: Provide residential development in and around downtown, both in upper floors above retail and in urban-style apartments, condominiums and townhouses.

- Action 5: Continue to preserve and emphasize the historic character of Olde Towne and the surrounding area.
- Action 6: Create an art and entertainment overlay district containing theatres, galleries, studios, etc.
- Action 7: Organization of both an open-air flea market and a farmers market.
- Action 8: Retain Olde Towne community services, such as public schools, post office, police station and City Hall.

Objective B: Continue to Foster the Success of Washingtonian as a Regional Town Center.

- Action 1: Complete the build-out of the remaining portion of the Town Center adjacent to the lake.
- Action 2: Encourage the developer/owner to increase the cultural activities and provide a seasonal shelter for the performance area located in the existing pedestrian park.
- Action 3: Encourage office, rather than residential, for the remaining density.

Objective C: Stimulate and Increase the Utilization of Kentlands Market Square as a Neighborhood Town Center.

- Action 1: Encourage more general office use in the Town Center to balance the large amount of retail businesses.
- Action 2: Encourage businesses that are more appropriate to serve the adjacent neighborhoods.
- Action 3: Consider increasing density in Market Square in conjunction with the construction of a parking structure.
- Action 4: Redevelop the vacant Upton's property into a mixed used project with a significant multi-family component.
- Action 5: Appoint a committee consisting of residents, merchants, City representatives, and other stakeholders to recommend improvements for the Market Square Town Center.

Objective D: Support and Enhance Lakeforest Mall and Vicinity.

- Action 1: Improve pedestrian access to mall.
- Action 2: Encourage Montgomery County to incentivize renovations at Cedar Mill Apartments.
- Action 3: Work with Montgomery County to improve the safety, security, and cleanliness of the Lakeforest transit center.
- Action 4: Consider permitting additional density on the mall property.

Objective E: Provide Distinct Elements to which all Town Centers should Adhere.

- Action 1: Encourage structured parking and allow for on-street parking design. The parking should be efficiently and conveniently located to the uses of the Town Center.
- Action 2: Promote the development of a system of walkways, bikeways, and streets that create connections between and among Town Centers and surrounding neighborhoods.
- Action 3: Provide safety and comfort for all users of the area.
- Action 4: Provide compactness and concentrate uses while providing a functional Town Center that addresses circulation, community services, parking, maintenance, housing, and recreation.
- Action 5: Provide an attractive community and preserve the organization and cleanliness of the Town Center.
- Action 6: Provide measures to ensure compatibility between differing, adjacent land uses.
- Action 7: Create places and activities in the Town Center for all age groups.
- Action 8: Establish individual architecture control districts to limit new structures to the approved style and encourage owners to reface their buildings.
- Action 9: Town Center gateways and signage are to be provided. Kiosks will serve as community bulletin boards and alert residents and visitors to upcoming events and Town Center attractions.
- Action 10: Public spaces are encouraged and given strong consideration within any intensely developed commercial or office areas.

Objective F: Revitalize Existing Commercial Centers for Potential Town Center Designation.

- Action 1: Designate other existing commercial centers for potential redevelopment and/or Town Center designation. (e.g., Quince Orchard Park/Clopper Road commercial area).
- Action 2: Reorient activity on the site to face the street.
- Action 3: Apply new land uses, development and design standards and encourage rezoning of certain properties to allow for mixed-use development.
- Action 4: Reestablish a street pattern that connects with the street pattern of the surrounding community.
- Action 5: Integrate multiple uses (ideally including employment and/or housing) on the site.
- Action 6: Dwelling units shall be an important component and should be thoroughly dispersed throughout in diverse forms and sizes. Provide a range of housing types, to provide for people of all ages and incomes.
- Action 7: Emphasize public spaces for shared activity.

ENVIRONMENT

Gaithersburg is a community that... preserves and enhances open space and critical environmental areas; highlights natural beauty in its land use plans in order for such areas to support ecological systems, serve as award-winning parks, trails, and recreational facilities where public use is fostered through site design; and ensures a high quality of life that is sustainable for future generations.

Objective A: Protect and Restore Environmentally Sensitive Areas during Development and Redevelopment by Promoting Land Uses that are in Balance with, and Minimize Adverse Effects on, the Natural Environment.

Action 1: Implement the Environmental Standards for Development Regulation to identify and protect natural resources and environmentally sensitive areas as open space amenities, natural habitat areas, and important elements of community design.

Action 2: Utilize geographic information systems (GIS) to create a map that identifies the City's sensitive areas (e.g., streams, wetlands, 100-year floodplains, buffers, forested areas, steep slopes, habitat areas, poor soils, etc.) that should be protected. Identify areas that are currently protected (e.g., publicly-owned, conservation easements, etc.), and areas that should be the focus of future protection efforts.

Action 3: Continue to promote the use of the cluster option, particularly in instances where a substantial net increase in the amount of protected land would result.

Action 4: Require developers to work with the City to implement long-term, continuous monitoring (e.g., streams, stormwater management structures, street trees, forests, and wildlife) to determine the ecological impacts of development, the effectiveness of environmental protection practices, and areas in need of restoration – the level and type of monitoring to be determined as appropriate on a case-by-case basis.

Action 5: Evaluate open/green space definitions and requirements in the City of Gaithersburg Zoning Ordinance and the Environmental Standards for Development Regulation.

Objective B: Establish Additional Parkland.

- Action 1: Evaluate each plan on a case-by-case basis as part of the development process in order to ensure that development and redevelopment are self sufficient and provide the highest level of recreation service obtainable. As an absolute minimum, developers shall be required to retain at least five percent of the developable area as open space or parkland suitable for active recreation use.
- Action 2: Consider a cash-in-lieu of land ordinance that requires developers to pay into a City Parks and Recreation fund if they cannot provide adequate green space, parklands and recreation facilities on-site as part of their development. The City fund will be used for parkland acquisition and the construction of new recreation facilities.
- Action 3: Actively pursue outside funding sources, including grants and developer proffers, to assist in the creation of new parkland.
- Action 4: Adopt criteria that will identify appropriate parcels for pocket parks, particularly in developed communities, and institute a program that will establish and enhance pocket parks.
- Action 5: Identify specific opportunities to establish additional parkland; including land swap options and cooperative agreements with homeowners associations and other property owners.
- Action 6: Pursue redevelopment strategies that will increase the availability of open space and parkland. This includes the creation of plazas, fountains, gardens, benches, public art and other park-like features as amenities in redevelopment projects.
- Action 7: Redesign infrastructure in order to increase public green space in existing neighborhoods.
- Action 8: Study the desirability and legal feasibility of adopting an open space zoning category to clearly identify public lands.

Objective C: Protect and improve water resources (streams, wetlands, 100-year floodplains, and riparian buffers) that have significant functions and values related to flood protection, sediment and erosion control, water quality, groundwater recharge and discharge, education, vegetation, and fish and wildlife habitat.

- Action 1: Utilize the results of ongoing stream assessments to establish stabilization/restoration priority areas to improve water quality, stabilize stream banks and restore aquatic habitat in streams exhibiting deteriorating conditions.
- Action 2: Maintain and protect existing stream buffers by replanting native vegetation along unforested buffers and increasing “no mow” area adjacent to streams in City parks.

- Action 3: Encourage citizen volunteers to become involved in stream and watershed protection by expanding the stream clean-up program and implementing a volunteer stream-monitoring program.
 - Action 4: Consider providing incentives to establish conservation easements along streams when the purchase of property is not possible.
 - Action 5: Identify options to improve streams and riparian buffers on private property.
- Objective D: Improve public and private stormwater management (SWM) facilities; including performance, longevity, safety, ease of maintenance, community acceptance, and environmental benefit.
- Action 1: Develop a Watershed Management Plan to analyze the City's existing water resources, riparian areas, and runoff management practices; establish management goals for subwatersheds based on existing stream conditions, current land uses, and future land use changes; provide overall SWM recommendations for City subwatersheds; and establish an implementation plan.
 - Action 2: Retrofit existing stormwater management structures in the City (e.g., Brighton Weir, Rabbitt Road, Woodland Hills, Diamond Farms, and Christman Pond).
 - Action 3: Develop an education program (e.g., brochures, web site, cable TV programs, etc.) to reduce non-point source pollution in urban runoff from residential, commercial, industrial, municipal, and transportation land uses and activities.
 - Action 4: Complete and maintain a GIS-based inventory of SWM facilities.
 - Action 5: Develop an inspection and enforcement program for stormwater management facilities that are both publicly and privately maintained.
 - Action 6: Require developers to mitigate adverse stormwater conditions from existing offsite conditions when possible.
 - Action 7: Identify opportunities for regional solutions to stormwater management.
 - Action 8: Identify specific opportunities to enter into cooperative agreements with homeowners associations and other property owners to improve private SWM facilities.
- Objective E: Improve the diversity, health, aesthetics, and tree canopy coverage of the City's urban forest; including trees and understory plants growing in forests, parkland, unimproved lots, yards, and along streets.
- Action 1: Implement regulations associated with the Maryland Forest Conservation Act, Chapter 21 of the City Code (Tree and Vegetation- Public Lands), and Chapter 22 of the City Code (Tree and Forest Conservation) to protect and enhance forest resources.

- Action 2: Develop an urban forestry management program that will conduct a GIS based inventory of existing street trees, designate guidelines for maintaining all significant trees, establish guidelines for increasing the City's tree canopy cover, and coordinate with the City Beautification Committee to prioritize street tree enhancement projects.
- Action 3: Develop a map of reforestation priority areas; including stream valley buffers, steep slopes, connections between existing forested areas, potential habitat areas, and areas of scenic value.
- Action 4: Direct afforestation/reforestation funds to replant native plant species in reforestation priority areas,
- Action 5: Develop planting standards that encourage the use of a variety of native plants that provide aesthetic, wildlife habitat, resource conservation, and watershed protection benefits.
- Action 6: Develop a planting Master Plan for the City's main transportation corridors to promote an attractive distinct identity.
- Action 7: Seek funding from outside sources to encourage reforestation on public and private lands (e.g., Department of Natural Resources' Buffer Incentive Program, Urban and Community Forestry Funds, etc.).

Objective F: Enhance the quality, location, connectivity, accessibility, and value of the City's green infrastructure (the interconnected networks of open space, parks, natural areas, forests, waterways, and wildlife habitat).

- Action 1: Develop standards (including signage, landscaping, lighting, benches, fountains, trash receptacles, artwork, etc.) for different types of parkland. Implement the standards in existing parks and require future parks to comply with these standards.
- Action 2: During the development process, acquire remaining lands and easements needed to complete the perimeter trail, regional connections, and more internal links in order to improve accessibility to natural areas, increase opportunities for recreation, and promote alternative modes of transportation.
- Action 3: Manage all City parks, grounds, and recreational facilities in a manner that meets public safety concerns, recreation needs, habitat protection goals, natural resources protection needs, and pollution prevention goals (e.g., utilize an Integrated Pest Management approach, eliminate fire or safety hazards, remove hazardous or diseased trees, control invasive species, stabilize and restore streams, and improve landscapes, habitat, and buffers).
- Action 4: Increase citizen volunteer participation, including schools and volunteer committees such as the Environmental Affairs Committee, the Beautification Committee, and ad-hoc Parks,

Recreation, and Culture committees, to enhance the City's green infrastructure (e.g., park cleanups, the Adopt-A-Park program, etc.).

Objective G: Enhance habitat areas to increase the variety and quantity of fish, wildlife, and native plant species throughout the urban area in a manner compatible with other urban development and activities.

Action 1: Require developers to create and implement Wildlife Management Plans when development is expected to impact wildlife and habitats.

Action 2: Prepare and implement plans to enhance the wildlife habitat value of ponds, stream valleys and other public open spaces.

Action 3: Develop local strategies (e.g., Department of Natural Resources Wild Acres Program, Bayscaping, etc.) to encourage appropriate wildlife habitat on private properties.

Action 4: Identify existing habitat locations for rare, threatened, endangered, in need of conservation, and/or Maryland watchlist species as they become known.

Objective H: Encourage green building principles to be applied in both public and private development in order to support environmentally sensitive design, construction, operation, and maintenance of buildings and landscapes.

Action 1: Create incentives to encourage green building; such as financial incentives, density incentives, permit facilitation, recognition, and technical advice.

Action 2: Educate staff, the local development community, and citizens about the principles and benefits of green building.

Action 3: Inventory relevant codes, regulations, and programs now implemented that could be viewed as part of a comprehensive green building program and identify existing gaps and policies that may inhibit resource efficiency.

Action 4: Investigate resources of existing organizations and capitalize on their previous efforts, know-how, and strengths.

Action 5: Investigate outside sources of funding and technical support (e.g., Maryland Department of Natural Resources, U.S. Green Buildings Council, U.S. Department of Energy) to apply green building principles to public projects.

Objective I: Participate in regional efforts to reduce solid waste, air, noise, visual, and lighting pollution to ensure a high quality of life that is sustainable for future generations.

- Action 1: Educate the community and businesses about litter prevention, solid waste reduction, the reuse of materials, environmentally sound disposal of solid waste, composting, and recycling (e.g., America Recycles Day, Environmental Awareness Week, etc.).
- Action 2: Develop a mandatory recycling program for multifamily-dwelling units.
- Action 3: Adopt land use pattern designations that cluster services and residential uses to promote the use of transit, thereby reducing automobile use and air pollution.
- Action 4: Support regional noise abatement programs (e.g., Montgomery County Noise Control Ordinance) and consider opportunities to reduce noise impacts of development on adjacent properties; such as noise-conscious site design; noise source controls; increased setbacks for noise sources from adjacent dwellings; fences, walls or landscaping that serve as noise buffers; and the use of soundproofing materials and double-glazed windows.
- Action 5: Carefully review lighting plans during the site planning process and encourage all new development and redevelopment to design and maintain outdoor lighting systems that provide safety, utility and security, as well as prevent misdirected or excessive artificial light and energy inefficiency.

TRANSPORTATION

Gaithersburg is a community that... provides a wide number of transportation choices to overcome pressing transportation issues, including but not limited to encouraging mixed-use development, use of transit, bicycling, and pedestrian oriented urban design to reduce reliance on the automobile.

Objective A: Work with other government agencies, including the Metropolitan Washington Council of Governments, to ensure the economic vitality and high quality of life in the city and region by improving the regional transportation network.

- Action 1: Coordinate with other government and agencies to identify and make improvements to congested travel corridors.
- Action 2: Provide strong policy guidance to the State, County, and the Council of Governments regarding future improvements to County, State and federal highways.
- Action 3: Ensure compatibility of local transportation projects with regional transportation facilities.

- Action 4: Require preservation of right of ways for future transportation projects.
- Action 5: Support strategies that reduce peak-hour travel such as carpooling, telecommuting, bicycling, etc.
- Action 6: Enter into a Memorandum of Understanding with Montgomery County concerning the use of Impact Tax Revenues collected from development.

Objective B: Limit new development when the transportation system can not support an increase in volume.

- Action 1: Consider current congestion, funded improvements, and planned improvements when determining whether proposed development can be supported.
- Action 2: Mandate appropriate mitigation in order to minimize impacts to the transportation system caused by all development. Appropriate Mitigation measures are unique to each development. Mitigation measures can include but not be limited to the following items: Road Widening; Intersection Improvements; Hiker-Biker Trail and Sidewalk Construction; Internal Development Circulation and Ingress/Egress Modifications; Internal and External Parking Improvements; Ride Sharing Programs and Other Traffic Reduction Measures.
- Action 3: Mandate that proposed 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 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 can not be required.
- Action 4: Continue to evaluate adequacy of the transportation system through specific studies as part of development and annexation process.

Objective C: Improve the efficiency and safety of roads and intersection operations.

- Action 1: Conduct a comprehensive study of all major roads and intersections and make recommendations to improve road and intersection operations.
- Action 2: Monitor accident and congestion data to assist in prioritizing improvements.

Action 3: Work with Montgomery County and the State of Maryland to implement the recommendations resulting from Actions 1 and 2 above.

Objective D: Support transportation needs in local neighborhoods.

Action 1: Identify strategies to route through traffic away from affected local streets.

Action 2: Carefully consider future roadway widenings within the City to assure that neighborhoods are not adversely impacted.

Action 3: Continue to address neighborhood traffic calming needs.

Objective E: Promote alternatives to single-occupant vehicle trips, such as shared-ride programs, transit, bicycling, and walking to reduce pollution and promote mobility for all residents.

Action 1: Consider forming a Transportation Management District in cooperation with Montgomery County and City of Rockville.

Action 2: Continue to develop a transit-friendly community by providing infrastructure, transit shelters, pull-off lanes, and hiker-biker links to existing and planned residential and commercial developments, public facilities such as parks and schools, and transportation facilities such as park-and-ride lots and rail centers.

Action 3: Work closely with Montgomery County and the Metropolitan Washington Council of Governments to expand bus services to better serve local neighborhoods, and commercial and employment areas.

Action 4: Promote transit as a more attractive travel choice through local advertising and endorsement in public service announcements.

Action 5: Consider public transportation options for new public improvement projects such as parks and other public land-uses.

Objective F: Provide for safe, convenient and enjoyable travel by bicyclists in the area and create connections to regional trails.

Action 1: Continue to implement the adopted Bikeways and Pedestrian Plan by identifying and prioritizing specific pedestrian and bicycle improvements including designated routes, road signage, new trails and sidewalks, and bike lanes.

Action 2: Fully integrate the consideration of bicyclists needs into community and the site design process to create bicycle facilities concurrently with development.

- Action 3: Target pedestrian and bicycle improvements during the reconstruction of existing roads.
- Action 4: Accommodate bicyclists on roadways by providing on-street bicycle facilities on arterial and collector roadways when and where possible.
- Action 5: Eliminate bicycle barriers and hazards in the design of hiker-biker trails, intersections, bridges and overpasses, and railroad crossings.
- Action 6: Provide hiker-biker trails along planned hiker-biker routes when planning and developing parks, open space areas, linear corridors, and redevelopment/infill projects.

Objective G: Use a combination of education, enforcement and engineering tools to improve pedestrian, bicyclist and driver safety.

- Action 1: Provide safe walking routes that connect communities to schools, transit, recreational facilities, commercial and retail areas, and other communities.
- Action 2: Improve safety near schools through increased enforcement.
- Action 3: Continue to use sidewalk CIP program fund construction of “missing links” of sidewalk throughout the City.
- Action 4: Work with Montgomery County to implement its recommendations as detailed in the report titled “Montgomery County Blue Ribbon Panel On Pedestrian and Traffic Safety.”
- Action 5: Develop a pedestrian and bicyclist education program.
- Action 6: Utilize the City’s web site and local access television as information and education tools and create new cable television public service announcements that inform drivers of traffic circle and intersection operations to promote public safety.
- Action 7: Coordinate with other government agencies and Montgomery County to evaluate the success of countdown timers for pedestrian crossings and identify intersections where countdown timers for pedestrian crossings can be installed.

Objective H: Build transportation facilities that express a strong sense of place through a coordinated City-wide design.

- Action 1: Continue to install Gaithersburg prototype bus shelters in partnership with private contractor.
- Action 2: Adopt Thoroughfare Design Standards.
- Action 3: Develop prototype for City’s future light rail transit stops.
- Action 4: Develop Hiker-Biker Trails with related signage that is unique to the City of Gaithersburg.

COMMUNITY FACILITIES

Gaithersburg is a community that... has community services and public facilities that adequately serve the citizens and are planned to expand in an orderly, fiscally cost-effective manner to achieve sustainable goals.

Objective A: Limit new development where public utilities, facilities, and services cannot be established without unduly burdening the existing service provision or users.

- Action 1: Evaluate development proposals considering their indirect costs (e.g., recreation programs, public safety, etc.).
- Action 2: Ensure that the revenues from new development support the cost of community improvements and services that must be provided to address growth.
- Action 3: Maximize public/private partnerships in infrastructure development.
- Action 4: Mandate an appropriate percentage of open space in new development.

Objective B: Implement the Master Plan for “Parks, Recreation, and Open Space for the 21st Century.”

- Action 1: Evaluate each plan on a case-by-case basis as part of the development process in order to ensure that development and redevelopment are self-sufficient and provide the highest level of recreation service obtainable. As an absolute minimum, developers shall be required to retain at least 5% of the developable area as open space or parkland suitable for active recreation use.
- Action 2: Expand the current trail network, including more connections to regional trails.
- Action 3: Implement development plans for the Lakelands Park, Lakeland’s Recreation Center, Bohrer Park at Summit Hall Farm, and other City-owned parks.
- Action 4: Establish new recreational facilities and renovate existing facilities at City-owned parks as needed.
- Action 5: Expand the recreation programming to better address the needs of the City’s seniors, cultural groups, teens at risk, and cultural arts enthusiasts.
- Action 6: Create and implement a comprehensive cultural arts plan (facilities and programs).
- Action 7: Continue to expand the Art in Public Places program by focusing on private donations.

Objective C: Maintain the Community Facilities Plan to serve as a general inventory of City-owned and operated facilities available to Gaithersburg residents.

Action 1: Ensure that Gaithersburg has adequate municipal facilities to serve the needs of the residents.

Action 2: Update annually the Community Facilities Map and inventory.

Action 3: Continue to evaluate the use and needs of each facility (building, outbuilding, structure, grounds) on an annual basis through the budget process.

Objective D: Continue to provide stewardship of City-owned and operated historic resources to reflect the understanding of the City's heritage and expertise in maintenance of older structures, their carrying capacity, and their interpretation.

Action 1: Construct an interpretive historic park at the Observatory.

Action 2: Evaluate the City-owned historic resources to determine feasibility of interpretation and adaptive reuse.

Action 3: Evaluate and support the Museum Consortium efforts.

Action 4: Investigate the addition of historic displays commemorating the City's history in all City-owned and operated buildings.

Action 5: Encourage connection of Gaithersburg to the Montgomery County Heritage Tourism program.

Objective E: Establish a safe and accessible repository for all archival materials held in trust by the City for its residents.

Action 1: Conduct an inventory of materials to be archived.

Action 2: Develop a phased plan of implementation for placement in appropriate archival storage.

Action 3: Develop a research center/area with strong oversight for proper cataloguing, imaging, and access.

HOUSING

Gaithersburg is a community that... offers a range of housing choices, while preserving the character of existing neighborhoods and providing connectivity to adjacent areas of employment, nature, recreation, services, and shopping.

Objective A: Encourage the development of single family homes (including townhomes) where housing is appropriate to offset the current housing imbalance.

Action 1: Encourage the development of single family homes (including townhomes) where housing is appropriate to offset the current housing imbalance.

Action 2: Pursue annexation of appropriate parcels for construction of single family homes.

Action 3: Encourage infill housing and the use of the Traditional Neighborhood Design (TND) option.

Objective B: Permit additional multi-family dwellings only to support existing town centers, encourage redevelopment, or comply with pre-existing annexation agreements.

Action 1: Where multi-family dwellings are deemed appropriate, require condominium uses unless it can be demonstrated that rental apartment uses are in the public interest.

Action 2: Consider approval of multi-family dwellings in or near the existing town centers.

Action 3: Consider approval of multi-family dwellings to encourage redevelopment of dilapidated properties.

Objective C: Ensure that designated apartment communities remain affordable and under existing controls.

Action 1: Continue City involvement and partial ownership of Diamond Square Apartments.

Action 2: Work with the Housing Opportunities Commission to ensure that Forest Oak Towers remains an affordable community for senior citizens.

Action 3: Monitor the rents to ensure that the Oaks at Olde Towne and Lakewood Commons comply with the area median income requirements mandated by State financing.

Objective D: Improve the condition of the existing housing stock.

Action 1: Encourage the redevelopment of aging apartment complexes.

Action 2: Continue to conduct joint inspections with homeowner's associations.

Action 3: Continue the Neighborhood Matching Grant program.

Action 4: Work with Montgomery County on providing low interest home improvement loans to qualified homeowners.

Action 5: Update Property Maintenance Code at least every three years.

Action 6: Work with Montgomery County to develop rehabilitation loans for small apartment complexes.

Action 7: Modify rental housing fee credit program.

Action 8: Continue aggressive enforcement directed at problem properties.

Action 9: Hold Neighborhood Improvement Charrettes as appropriate.

Objective E: Encourage a variety of architectural styles.

Action 1: Preserve the approved architectural standards for designated areas of the City.

Action 2: Encourage a mix of builders with a variety of architectural styles to participate in the development of new communities.

Objective F: Ensure that the current and future housing stock allows residents to remain in the City as their financial, employment, and familial situations change.

Action 1: Determine current in- and out-migration patterns for the populations in the City and County.

Action 2: Look at market studies to determine general housing preferences by age, sex, occupational status, marital status, presence of children, household income, etc.

Action 3: Determine the impact of public schools on housing preferences and work with MCPS to address any concerns with the current schools.

ECONOMIC DEVELOPMENT

Gaithersburg is a community that... encourages Economic Development with important jobs and businesses located only where infrastructure or capacity exists or can be improved.

Objective A: Provide employment and commercial opportunities in close proximity to residential areas.

- Action 1: Make certain appropriate land use designations for local commercial and employment uses are balanced throughout the City.
- Action 2: Identify existing business districts throughout the City which need better infrastructure or appropriate zoning to strengthen their business core.
- Action 3: Identify improvements in local transportation links between existing residential communities and business areas to facilitate home-to-work trips.

Objective B: Determine if a balanced jobs to housing ratio is needed to ensure the City's sustainability.

- Action 1: Determine the current ratio of jobs to housing within the corporate limits.
- Action 2: Research regional growths, compare data, and determine what impact developments have on the City.
- Action 3: Identify specific land use areas for future development that could accomplish desired sustainability.

Objective C: Build on the City's strength as a science and technology center.

- Action 1: Designate large contiguous undeveloped areas for technology-oriented uses that are well sited from a transportation perspective.
- Action 2: Develop and strengthen partnerships with State and County Departments of Economic Development, High Technology Council, the Gaithersburg/Germantown Chamber of Commerce and legislative bodies to work with these businesses to encourage their location within the City.
- Action 3: Utilize existing local tax incentive package (including reduction in development fees), to incentivize biotech users to locate in the City.
- Action 4: Evaluate need for biotech zone that provides development incentives for such uses.

Objective D: Provide educational opportunities that encourage employability of residents and increasing wage rates.

Action 1: Continue to foster and strengthen relationship between MCPS, appropriate educational institutions, and the City.

Action 2: Evaluate potential sites for schools and private educational institutions. Encourage businesses to partner in education and workforce development initiatives.

Objective E: Focus redevelopment opportunities on underutilized sites.

Action 1: Establish criteria for underutilized sites based on existing assessment data.

Action 2: Identify specific underutilized sites.

Action 3: Identify development partners.

Action 4: Investigate joint development ventures.

Action 5: Facilitate assemblage of properties to provide for more efficient use of land.

Objective F: Create equitable and balanced opportunities throughout the corporate limits for retail uses.

Action 1: Continually monitor retail health of the City through cooperation with rental groups, shopping center owners, and the Chamber of Commerce.

Action 2: Identify retail uses missing from City's inventory.

Action 3: Identify geographical sectors where data indicates retail saturation.

Action 4: Identify underutilized (existing) retail sites whose characteristics may be more suitable for non-retail use.

Action 5: Designs for infill retail developments should follow the City's adopted Smart Growth Principles and the Master Plans for Olde Towne and the Frederick Avenue corridor.

Objective G: Encourage compatible development when non-residential uses are adjacent to residential communities.

Action 1: Avoid land use designation of non-compatible uses adjacent to designated employment and commercial sites.

Action 2: Encourage infrastructure improvements that serve both residential and commercial uses.

Action 3: Develop and implement design standards to assure compatibility and connectivity between adjacent land uses.

Objective H: Diversify local economy so that approved development can serve a variety of industries.

Action 1: Evaluate current mix of industries within City.

Action 2: Identify mixed-use land use designations for appropriate locations.

Action 3: Evaluate zoning ordinance and building codes to provide flexibility in design and uses to facilitate retrofitting of buildings.

Action 4: Provide adequate parking at time of site plan approval to service current and possible future use of buildings.

Objective I: Cooperate with regional jurisdictions to market the Gaithersburg area for tourist and convention benefits.

Action 1: Build strong relationships with adjacent cities, County's Conference and Visitors Board and State Office of Tourism.

Action 2: Evaluate pending sign ordinance's impact on hospitality industry.

Action 3: Market City's parks recreation and cultural attractions through existing hotels.

Action 4: Cooperate with Montgomery County Heritage Tourism Initiative.

Objective J: Find innovative parking solutions that support development activities.

Action 1: Encourage shared use parking and parking structures that support multiple businesses or industries.

Action 2: Identify areas within City with significant parking shortages.

Action 3: Examine highway corridors for potential on-street parking opportunities during off-peak hours.

Objective K: Re-evaluate the City's Maximum Expansion Limits (MELs), adopted in 1972 to consider enlargement of corporate limits.

Action 1: Identify properties adjacent to the City whose annexation could benefit the City economically.

Action 2: Pinpoint substandard properties adjacent to the City, annexation of which could facilitate the property's redevelopment or enhance its appearance through rigorous City code enforcement.

Action 3: Actively pursue highly desirable properties for annexation via incentives.

EDUCATION

Gaithersburg is a community that... coordinates closely with the Board of Education so they can assure that adequate school capacity is available when considering new development, growth in existing neighborhoods and ever-changing demographics. Schools shall be sited so that they are well incorporated into the core of a community.

Objective A: Mitigate impact of development in Gaithersburg on the quality of education in Montgomery County Public Schools (MCPS).

- Action 1: Utilizing contributions from developers, create City Educational Fund to leverage MCPS capital projects.
- Action 2: When a project meets the Montgomery County's Annual Growth Policy (AGP) schools test but not the City's goal of 100 percent of capacity without borrowing capacity between clusters, require the developer to contribute to the City's Educational Fund. As an alternative, require other appropriate mitigation measures deemed to be in the public interest.
- Action 3: Develop appropriate phasing schedules for all residential projects.
- Action 4: Seek enabling legislation from the General Assembly that would permit the City to establish special taxing areas to fund infrastructure improvements.

Objective B: Work with the Board of Education to enhance schools attended by Gaithersburg residents.

- Action 1: Request regular reports for the Mayor and City Council by Montgomery County Public Schools on capacity of schools, proposed boundary changes, and status of CIP.
- Action 2: Continue to be involved in future school site selection processes.
- Action 3: Continue to work with school staff via Education Committee to improve the public perception of schools attended by City residents.

Objective C: Enhance the continued relationship of the City of Gaithersburg with local schools.

- Action 1: Continue City's annual grant program to support school initiatives through the Education Committee.
- Action 2: Maintain relationship between the City and school representatives through the Education Committee.

- Action 3: Continue City involvement in education programs in the elementary schools.
- Action 4: Work with MCPS to establish an education program about City of Gaithersburg government and land use planning as a part of the Montgomery County local government curriculum in area schools.
- Action 5: Continue and enhance the "Adopt a School Program."
- Action 6: Continue to recognize excellence in local schools (e.g., academic and athletic activities).
- Action 7: Continue to support initiatives to improve academic excellence in schools attended by Gaithersburg residents through the Education Committee.

Objective D: Continue working with the Board of Education, Montgomery County Government and the State of Maryland to foster continual upgrades to schools to meet the needs of City residents.

- Action 1: Continue lobbying the Board of Education, the County Council and the General Assembly for funding for CIP projects.
- Action 2: Work closely with Montgomery County Planning Board on developing their recommendation to the County Council on the AGP schools test.
- Action 3: Urge the County Council to amend the AGP schools test to eliminate the practice of borrowing from adjoining clusters and counting capacity before actual construction funds are appropriated.