

---

---

## STAFF COMMENTS FOR PLANNING COMMISSION

---

---

**MEETING DATE:** May 17, 2006

**SITE PLAN: SP-05-0013**

**TITLE:** Watkins Mill Town Center

**REQUEST: FINAL SITE PLAN APPROVAL  
RESOLUTION**  
For 436 Residential units and Urban Core Streets

**ZONE:** MXD (Mixed Use Development)

**APPLICANT/REPRESENTATIVE/ATTORNEY/DEVELOPER:** (as applicable)

Applicant/Engineer: Rodgers Consulting, Inc. – Gary Unterberg  
Developer: Classic Community Corporation – Steve Eckert  
Property Owner: BP Realty Investments

**STAFF PERSON:** Jacqueline Marsh, Planner  
Rob Robinson, Planner

**Enclosures:**

Staff Comments

Resolution

**STAFF COMMENTS**

Attached is the Resolution approving SP-05-0013. Please feel free to contact staff with any questions or comments.

# DRAFT

CITY OF GAITHERSBURG  
31 South Summit Avenue  
Gaithersburg, Maryland

**PLANNING COMMISSION  
RESOLUTION APPROVING**

FINAL PLAN REVIEW FOR 436 DWELLING UNITS, INCLUDING  
94 SINGLE-FAMILY DETACHED, 180 SINGLE-FAMILY ATTACHED,  
142 TWO-OVER-TWO CONDOMINIUM UNITS,  
AND 20 LOFT CONDOMINIUMS KNOWN AS  
WATKINS MILL TOWN CENTER AND  
STREET LAYOUT AND PAVING WITHIN THE URBAN CORE,  
SITE PLAN SP-05-0013, LOCATED NORTH OF THE CSX RAILROAD  
TRACKS AND SOUTH OF INTERSTATE I-270

**SP-05-0013**

**OPINION**

This matter comes before the Planning Commission for approval of a final site plan for land zoned Mixed Use Development (MXD). This proceeding constitutes an action pursuant to §24-160D.9(c) and §24-171 of the Zoning Ordinance (Chapter 24 of the City of Gaithersburg Code) which permits the Planning Commission to review and approve a site development plan following approval of a schematic development plan; and further, §24-160D.10(c) and §24-170 in which the Planning Commission can approve a site development plan only after certain findings have been made. This subject case involves the residential component of approximately 125 acres total of land located to the south of Interstate I-270, north of the CSX tracks near Metropolitan Grove Road.

**Operative Facts**

A. **Background**

The subject property ("Site") was annexed into the City of Gaithersburg on May 31, 1968 as part of the approval of Annexation Application X-095 (Resolution R-8-68) to annex approximately 198 acres of land and to classify the land in its entirety in the I-3 Zone by Resolution R-9-68. There was no annexation agreement associated with the approval of Annexation Application X-095.

On April 1, 1996, the Site was rezoned with the owner's consent to the Mixed Use Development (MXD) zone as part of the Comprehensive Zoning Map Amendment application Z-278 approved by the Mayor and Council by Ordinance O-5-96 with a

sketch plan.

On August 4, 2004, the applicant, B. P. Realty Investments, submitted an Amendment to Sketch Plan Application. The file number and name for the amendment to sketch plan application are Z-297 and Casey Metropolitan West, respectively.

Of the three development alternatives allowed for the Site per the Casey-Metropolitan Grove Road Special Study Area 7 of the 2003 Land Use Element to the Master Plan, the applicant chose the "Mixed Use Office-Residential with a Commercial Component" alternative. The Master Plan designates as one of the land use recommendations for the Site "mixed use residential-office-commercial" with the zoning classification to remain MXD.

On April 18, 2005, the amendment to sketch plan application Z-297 was adopted by the Mayor and City Council by Ordinance O-1-05.

On August 1, 2005, the Mayor and City Council approved Schematic Development Plan SDP-05-002, known as Casey West. The Schematic Development Plan (SDP) was approved with 23 conditions as described in Resolution R-75-05.

The approved SDP included 1,075 dwelling units including single-family detached, single-family attached, two-over-two condominiums, and a high-rise condominium tower. The Urban Core section of the plan proposed 259,939 square feet of mixed use commercial space and 936,650 square feet of office space.

On January 18, 2006, the Planning Commission granted approval to the Final Forest Conservation Plan and Wildlife Management Plan with fourteen (14) conditions.

## B. Current Application

The Applicant, Rodgers Consulting, on behalf of Classic Community Corporation, submitted an application on November 23, 2005 for final site plan approval of Watkins Mill Town Center. The proposed development (neighborhood) boundaries are defined by parcels P33, P211, P888 and P910, located north of the CSX Railroad tracks, Metropolitan Grove Road, Metropolitan Grove Park, and Bennington Corporate Center and south of Interstate 270, and is bounded on the west by County land (known as the McGown tract) and to the east by City parkland and several privately owned properties zoned MXD. The plan proposes 436 residential units (94 single family detached, 180 townhouses, 142 two-over-two condominiums, and 20 loft condominiums) and only the street layout and paving for the urban core. The application was designated as Site Plan SP-05-0013.

After the site plan application submission, City staff and the developer's engineering team and representatives continued to regularly meet to finalize the plans and details.

Following City staff's review of the site plan submission package, the site plan was scheduled for the May 3, 2006, Planning Commission Agenda. The property was properly posted and notices were sent out to surrounding properties and interested parties on April 24, 2006.

The Planning Commission reviewed Site Plan SP-05-0013, Watkins Mill Town Center on May 3, 2006, at a regularly scheduled meeting of the Commission. The staff report was submitted to the Commission with 187 exhibits. At the hearing, testimony was given on behalf of the project concerning the site plan architecture, amenities, pedestrian access, and site design and layout by: Gary Unterberg, Rodgers Consulting; Steve Eckert, Classic Community Corp.; and Pete Robertson, Ryan Homes. The only testimony from the public was from Linda Gore.

The Planning Commission raised concerns regarding neighborhood connectivity across Watkins Mill Road, "Key" lots (lots to receive four sided architecture), and the end/side elevations of the Vanderbilt townhouse units. Planner Marsh listed the 32 recommended conditions for the Planning Commission to condition the approval of the site plan. The Planning Commission discussed their concerns and then added an additional four (4) conditions of approval.

#### Relevant Statutory Provisions

The following statutory provisions from the City of Gaithersburg Code, City Zoning Ordinance (Chapter 24 of the City of Gaithersburg Code) are among the provisions that define the nature of the Planning Commission's site plan review powers and the extent of the Commissions oversight:

#### **Sec. 24-160D.10**

(c) The city planning commission shall 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.

\*

\*

\*

#### **Sec. 24-170. General conditions.**

The City Planning Commission shall approve the site development plan only upon a finding that the buildings, structures, and uses proposed will not:

- (a) Adversely affect the health or safety of persons residing in or working on the land in question or in the neighborhood thereof.
- (b) Be detrimental to the public welfare or adversely affect the use or development of adjacent properties.
- (c) Constitute a violation of any provisions of this chapter or any other applicable law, regulation, or ordinance.
- (d) Be incompatible or inharmonious with other existing uses or with existing and proposed adjacent development.
- (e) Be inharmonious or inconsistent with the environmental standards of the city adopted by the city council pursuant to section 20-9 of the City Code and any amendments thereto.

C. Evaluation and Findings.

The Planning Commission has reviewed the evidence of record in this case, including: 178 exhibits; Resolution R-75-05 for the approval of the schematic development plan SDP-05-002; the proposed final site and landscape plans; road details; "Key" lot plan; architectural elevations; as well as the previously approved design guidelines. Upon this review, the Planning Commission makes the following findings:

The Planning Commission has found that the entire proposal for Watkins Mill Town Center complies with the approved Design Guidelines that were developed to create a high quality sense of place and a livable community. The Commission has determined that the neighborhood, having a high quality sense of place and a livable community cannot adversely affect the health and well being of the people living there. The proposal meets the details and goals of the MXD Zone and further meets the intention of a Traditional Neighborhood Development. The Planning Commission stated that Watkins Mill Town Center, in design, is a diagram of the Transit Oriented Development concept. The plan proposes an extensive use of sidewalks, protective crosswalks, and pedestrian scale design elements that also protect the safety of future persons living or working there. Therefore, the Commission finds that the plan will not adversely affect the health or safety of persons residing in or working on the land in question or in the neighborhood thereof.

The Planning Commission finds that the future retailers of the property will serve the surrounding businesses and residents, specifically the high-tech office uses, and this service will act as a benefit. The Planning Commission anticipates the employees of the surrounding office buildings may be residents of the Watkins Mill Town Center and their usage of this site in particular will result in lower trip distances, which benefit the citizens of the community.

The Planning Commission also recognizes this site plan will provide a greater impetus for the possibility of creating the Watkins Mill Interchange at Interstate I-270, which will allow greater access for this community and the surrounding region. The commencement of this proposed interchange will therefore spur economic development. The proposed interchange will relieve major congestion for the Montgomery Village Avenue interchange at I-270 and also for Frederick Avenue (Rt-355). Therefore, the Commission finds that this project will not be a detriment to the public welfare or adversely affect the use or development on adjacent properties.

The Commission takes into consideration the written background information prepared by Planner Marsh, who participated in the Development Review Team with other City staff to review this plan for conformance to the Zoning Ordinance and other City ordinances. The Commission finds that this plan has been reviewed by the agencies of the City and does not constitute a violation of any provisions of chapter 24 of the City Code or any other applicable law, regulation or ordinance.

The Planning Commission acknowledges this plan will not be incompatible or inharmonious with existing uses that surround the area. The future development will create new living and economic opportunities for the public. The proposed uses of residential, retail, and office are compatible with and will support the adjacent uses, including the nearby office park and land that surround the property and are in compliance the City's Land Use Plan.

The Planning Commission is satisfied that the site plan is consistent with the City environmental standards as adopted by the City Council. The applicant has been especially innovative in an environmental capacity to protect the site with the invasive species management plan and the wildlife relocation/mitigation plan which were approved as part of the overall site plan on January 18, 2006.

### Conclusion

Upon consideration of all the evidence, and the testimony in favor of final site plan SP-05-0013, the Planning Commission concludes that said plan, as conditioned by this opinion, is in conformance with Zoning Ordinance §24-170, §24-160D.10(c) and that the applicant has met its burden of proof.

### RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Gaithersburg on this 17<sup>th</sup> day of May, 2006, that the applicant's proposed final site plan SP-05-0013, to approve 94 single family detached, 180 single family attached, 142

two-over-two condominiums, 20 loft condominiums, and road layout and paving within the Urban Core be APPROVED, subject to the following conditions: .

1. This site plan includes the residential section and only streets in the Urban Core of Watkins Mill Town Center. The applicant shall submit separate site plans for the Urban Core, the hotel located on Watkins Mill Road, the storm water management pond water feature, and the gas station/bank parcel;
2. Final roundabout designs to be reviewed and approved by DPWPM&E prior to the issuance of Public Works permits;
3. All driveway widths, lengths, and location changes are to be reviewed and approved by DPWPM&E prior to the issuance of Public Works permits;
4. The applicant shall receive final approval letters from appropriate utility agencies including, but not limited to, Washington Gas, PEPCO, Verizon, and WSSC prior to the issuance of Public Works permits for each phase;
5. The final utility plan shall be revised and approved by DPWPM&E prior to the issuance of Public Works permits for each phase;
6. Final retaining wall locations, design, peer review, and plan to be approved by DPWPM&E prior the issuance Public Works permits;
7. Final signing, lane marking, turning radii plans, lighting plans, paving and storm drain plans, grade establishment plans, and details to be reviewed and approved by DPMPM&E prior to the issuance of Public Works permits;
8. The applicant shall dedicate to the appropriate governmental agencies, portions of the property indicated on the schematic development plan required for the construction and completion of: 1) the Watkins Mill Road Interchange with I-270 right-of-way, including associated ramps; 2) Watkins Mill Road extended right-of-way; and 3) Corridor Cities Transitway right-of-way when required by the appropriate local or state agency including the City of Gaithersburg, Montgomery County, the Maryland Transit Administration and State Highway Administration. Associated Declaration of Covenants and Homeowners Association Documents shall be reviewed and approved by the City Attorney prior to the issuance of Public Works permits for each phase;
9. Applicant must submit a final storm water management plan, including final details for bio-retention ponds, and storm water outfall plans to be reviewed and approved by the Department of Public Works, Park Maintenance, and Engineering (DPWPM&E) prior to issuance of final grading permits;

10. Applicant to provide final stream stabilization plans and stormwater management outfall plans to be approved by DPWPM&E, the U.S. Army Corps of Engineers, and Maryland Department of the Environment prior to the issuance of final grading permits; however, staff may issue a conditional final grading permit prior to MDE approval, if deemed appropriate;
11. Applicant to fulfill the twelve (12) forest conservation plan conditions and receive approval from Environmental Affairs prior to issuance of final grading permits;
12. The applicant shall obtain final landscape plan approval from staff prior to the issuance of final grading permits;
13. The applicant shall provide dimensions, total square footage, and bearings and distances for each block on the final site plan prior to the issuance of final grading permits;
14. Prior to clearing Phase II (i.e., stream valley buffer), the applicant shall receive all necessary approvals and permits from the City, the U.S. Army Corps of Engineers, Washington Suburban Sanitary Commission (WSSC), and Maryland Department of the Environment;
15. Prior to clearing Phase III (i.e., area northwest of the Corridor Cities Transitway (CCT)), the City Manager must determine that the applicant has met all legal obligations to the City;
16. The Declaration of Covenants and Homeowners Association Documents may provide a shared maintenance agreement between the Urban Core and the HOA to ensure the owners of the Urban Core will have perpetual ownership and maintenance responsibilities as shown on the Plat/Ownership Exhibit (Exhibit #78).
17. Applicant to modify Cover Sheet (Exhibit #14) note #9 to state: *"All pedestrian walks, conservation easements and buffers to be maintained by the Urban Core, unless otherwise approved by the City."*
18. The applicant shall place all environmentally sensitive areas, as identified on the forest conservation plan under a permanent conservation easement to be recorded and identified on a plat to be recorded and submitted to Montgomery County Land Records prior to issuance of building permits. The owner of the Urban Core shall own and be responsible for maintaining all areas within the conservation easement.
19. The applicant shall dedicate the approximately 14 acres of undisturbed parkland depicted on the western portion of the Casey Property West plan to the City of Gaithersburg to be recorded in the Montgomery County Land Records prior to the issuance of building permits;

20. The applicant shall continue to work with staff to develop technically effective, feasible, aesthetic, and reasonable interior and exterior noise abatement measures to prevent unacceptable noise exposures to the future residents of the development. Noise abatement measures should achieve the 65 dBA exterior noise guideline and the 45 dBA interior noise guideline. Prior to approval of building permits, there shall be a certification by a professional engineer with competency in acoustical analysis that the building shell will attenuate exterior noise levels to an interior level not to exceed 45 dBA Ldn. A final noise mitigation plan shall be reviewed and approved by staff prior to the issuance of building permits;
21. This site plan shall constitute a waiver to be granted by the Planning Commission in accordance with Section 24-169(f) of the City Ordinance, allowing for a later submittal of the final record plats;
22. The applicant shall receive approval of the final record plat from the City Planning Commission and record them in the Land Records of Montgomery County prior to the issuance of building permits;
23. The applicant shall provide a list of street names for the community for City and Maryland National Capital Park and Planning Commission review and approval prior to the submission of record plats;
24. Applicant to provide an Art in Public Places (AIPP) phasing and implementation plan to be approved by City staff in consultation with the AIPP committee prior to the issuance of building permits;
25. Applicant to vary vertical plane of the front walls of the townhouses in accordance with the design guidelines prior to the issuance of building permits;
26. Applicant to work with staff to improve side elevation features for key lots that function either as gateways or entrances to major streets prior to the issuance of building permits;
27. Applicant shall continue to work with Staff on interpretive sign program for path system to be reviewed and approved prior to the issuance of building permits;
28. Final architecture and parking calculations for the mid-town urban lofts shall be approved by the Planning Commission as a future Amendment to Final Plan;
29. Applicant to revise end unit side elevations of the Vanderbilt units for Planning Commission approval as an Amendment to final Plan prior to the issuance of building permits;
30. Applicant to submit architecture for the custom house lots for Planning

Commission approval as an Amendment to Final Plan prior to the issuance of building permits;

31. The applicant shall submit a sign package to include, but not be limited to, entry feature signage and future Urban Core signage to be approved by the Planning Commission as a future Amendment to Final Plan;
32. Developer shall be required to provide Community Amenities early on in the development of the project; more specifically, the Midtown's park amenities of the Tot-Lot, pool, clubhouse, tennis court, and the adjoining Park along with the path through the sensitive areas shall be constructed at the time of the issuance of the building permit for the 150<sup>th</sup> unit. The additional parks and tot-lots and path through the northern park will be built as the surrounding housing is constructed, with all residential amenities completed by the time of issuance of the building permits for the last 50 units.
33. The applicant shall complete the construction of all sidewalks/pathways between the following units prior to the issuance of final occupancy permits:
  - Lots 8 and 9, Block I
  - Lots 42 and 43, Block I
  - Lots 29 and 30, Block I
  - Lots 21 and 22, Block I
  - Lots 3 and 4, Block E
  - Lots 6 and 7, Block O
  - Lots 11 and 12, Block O
  - Lots 16 and 17, Block M
34. The developer of the residential units shall place fences along the rear property lines for the large single family lots facing the McGowan property, the future City park property, and the Devlin property. Final fence details and locations to be approved by staff. The developer shall provide disclosures mandating the fence not be removed to the future homeowners of said subject lots relating to the maintenance and placement of the fences. These documents shall be reviewed and approved by City staff;
35. The applicant shall place all gas meters in the rear of the single family detached, attached, and two-over-two condominium units; however, meters may be placed in side yards of front-loaded single family units in accordance with the Design Guidelines;
36. Applicant to work with City staff and Montgomery County Ride-On regarding the review and approval of all bus shelter locations and routes;

ADOPTED<sup>1</sup> by the Planning Commission of Gaithersburg, Maryland this 17<sup>th</sup> day of May, 2006. Commissioners Bauer, Levy, Winborne, Hopkins, and Kaufman being present and voting in favor of the action.

---

John Bauer, Chair  
Planning Commission

This is to certify that the foregoing Resolution was adopted by the Gaithersburg Planning Commission in public meeting assembled on the 17th day of May, 2006.

---

Greg Ossont, Director  
Planning and Code Administration

---

<sup>1</sup> Any decision by the Planning Commission may, within seventeen (17) days after the date of the action or decision rendered, be appealed by any person aggrieved by the decision to the City Board of Appeals pursuant to the provisions of Article VII of Chapter 24 of the City Code.