

**Statement in Support of Joint Zoning Map Amendment and
Concept Plan Applications for the Property Located at
18519 North Frederick Avenue, Gaithersburg**

McCormick Realty Limited Partnership (“Applicant”) submits this Statement in support of its Zoning Map Amendment and Concept Plan applications (“Application”) for the property located at 18519 North Frederick Avenue (eastern quadrant of North Frederick Avenue and Travis Avenue intersection), Gaithersburg, Maryland 20879 (“Property”). The Application requests rezoning from the existing C-2 (General Commercial) Zone to the CD (Corridor Development) Zone per City Code Sec. 24-160G.6. - Procedure for application and approval.

The Property totals approximately 8.77 acres (or 382,078 square feet) and is improved with four commercial buildings totaling 88,277 square feet. The Property is identified as Parcel N216, Tax Map FT33 (Tax ID Number 09-02835786) and as Parcel A, Hechinger Property, Plat 17371. The Applicant proposes to convert the existing 88,277 square feet of primarily one-level retail into a mixed-use community including commercial, retail, and apartments, in accordance with the 2009 Land Use Element of the City Master Plan (the “Project”). The Project proposes reimagining an underutilized retail center into a more vibrant mixed-use community showcasing a commercial node along Frederick Avenue and adding upper level residential as the site retreats to the neighboring communities.

In addition to the rezoning, the Applicant is concurrently requesting Concept Plan approval for the Property, along with a modest height waiver request that is allowed in the CD Zone. The proposed Project will include two new mid-rise buildings including up to 48,000 square feet of commercial, office and retail space and up to 580 residential units. Given the location, property configuration, and market, the Project creates a higher and better use for the Property than its current use.

The proposed redevelopment will create a mixed-use center at the northern end of the Frederick Avenue corridor at the intersection with Travis Avenue serving as a highly visible gateway into Gaithersburg. Mid-rise mixed-use buildings will have frontage on the corridor, complementing the scale and spirit of the existing mixed-use neighborhood across Frederick Avenue. Ground level commercial, office and retail uses including outdoor seating, plaza and green space will activate the streetscape along the corridor.

I. Description of Property, Existing Conditions, and Surrounding Neighborhood

The Property is zoned C-2 (General Commercial) and is located on the east side of Maryland Route 355 (North Frederick Avenue), just to the south of the intersection of N. Frederick Avenue and Travis Avenue. The site is shaped in a generally triangular configuration and is bounded by N. Frederick Ave to the south and west, Travis Avenue to the north, and a multifamily community to the east located in the R-18 (Medium Density Residential) Zone. Across Travis Avenue there is a narrow strip of property located in the C-2 (General Commercial) Zone. Across Frederick Avenue, the property is zoned MXD (Mixed Use Development). The Property is located roughly one-half mile east of I-270 and just blocks from the new Watkins Mill interchange that connects communities on the east and west sides of I-270. The InterCounty Connector (MD-200), which

connects I-95 with I-270, is less than four miles southeast of the Property, providing a connection with the greater region. The Property is about two miles from Washington Grove, Gaithersburg, and Metropolitan Grove MARC commuter rail stations which provide connections to Rockville, Silver Spring, and Washington, DC's Union Station. The Shady Grove Metro (Red Line) station is about five miles to the southeast of the Property.

The existing residential stock in the immediate area surrounding the Property consists of established single-family attached and detached neighborhoods north and west of the Property. Paramount and Majestic at Spectrum are new mid-rise apartment communities located across Frederick Avenue from the Property in the MXD (Mixed Use Development) Zone which also include ground floor commercial and retail uses and pad retail sites. Along Frederick Avenue there is a mix of mostly retail and commercial uses. Lakeforest Mall, currently undergoing a master planning process for redevelopment, is less than one mile to the south of the Property. In addition, the Property is proximate to several parks, public and private schools, recreational activities, and other amenities.



II. Background for Requests

Although the Property currently has successful operating businesses, the objective of the Application is to position it for long-term viability. The commercial, office, and retail landscape are evolving at a faster pace than ever before, and the Applicant's strategy for this Property is to evolve with it. A mix of complementary and diverse uses provides a sustainable development which ultimately adds value to the community. The main reasons for evaluating the future use of this Property are:

- Changing consumer demands mean shoppers want technology, convenience, and a live/work/play lifestyle.
- Rise of e-commerce has driven retailers to downsize – or right-size – store footprints and they perfect their omnichannel strategies, meaning the retail integrates different methods of shopping available to consumers such as online, in a physical store, or by phone.
- Significant population migration to first- and second-ring suburbs creates strong housing demand as reinforced by the City of Gaithersburg's visioning study in December 2020 noting the need to add 6,700-9,700 additional housing units to meet growth by 2045.
- Boomers, Millennials, and Gen Z desire more walkable communities.
- Office dynamics are changing as a result of the 2020 Coronavirus Pandemic.

The Applicant believes that creating a mixed-use community creates an environment that delivers an appealing mix of convenience, experience, and amenities. The Applicant is proposing a plan that adapts to the market by providing a diversity of uses. More specifically, the Applicant feels that this location doesn't support solely one use. In other words, it should not be all retail, all office, all commercial, or all residential, but rather a thoughtful balance of these uses congruent with the Property's location and market projections.

III. Description of Project and Concept Plan

At Concept Plan the detailed architecture is not required; however, the Applicant understands that this location is an unofficial gateway to the City of Gaithersburg and proposes a high-quality level of design befitting of this designation. The redevelopment will comply with any multifamily residential and commercial green building requirements. The Applicant is committed to sustainability and will be implementing initiatives to further improve water efficiency, reduce energy consumption, enhance indoor air and thermal comfort as well as employ rainwater management best practices. The Project further promotes smart growth principles by redeveloping previously disturbed land and placing density within walking distance to supportive services and access to bus transit services. The Preliminary Forest Conservation Plan is included with the submission identifies general locations and methods. A final Forest Conservation Plan will be provided at Final Site Plan. Furthermore, a Concept Storm Water Management Plan has been submitted to the City of Gaithersburg Department of Public Works for review and approval. As shown below and further described in this Statement, the Concept Plan does detail the way that the site is oriented and operates. The Concept Plan includes two distinct mixed-use buildings – Building A and Building B – with a mix of commercial, retail, and office uses on the ground floor

and multifamily residential on the upper floors.



Street A is the primary organizing street that provides internal building frontage and creates public space with shade trees, attractive lighting, and ample sidewalk width for pedestrians. This street will be aligned with Paramount Park Drive providing a strong visual relationship between the Spectrum development across Frederick Avenue and the center of this redevelopment. From Frederick Avenue, Street A is designed as a commercial core Main Street with back-in angled parking for commercial and residential visitors. Street-level commercial uses and articulated building corners accentuate the arrival from Frederick Avenue and a feature element identifying the lobby of Building B terminates the views up this street before the street bends to connect to Travis Avenue. A traffic circle will resolve the geometry of Street A and will be designed as a welcoming plaza physically and visually connecting the two residential building lobbies. The traffic circle will enable drivers to turn around without having to enter onto the adjacent public streets and serves as traffic calming because it requires cars to slow down. Between the traffic circle and Travis Avenue the character of the Street A transitions into a Neighborhood Residential Street type, where a distinctive stoop zone with foundation plantings creates a buffer between the public realm and the adjacent ground level residential units.

The garages for both buildings can be accessed from Street A and Travis Avenue. The garage access points and Street A terminus on Travis Avenue are offset from Old Game Preserve Road Travis View Court. There is approximately 145' separation from the centerline of Street A to Old Game Preserve Road and approximately 300' separation from Building A parking garage access lane to Travis View Court. The proposed Street A alignment creates two well-proportioned and dimensioned development blocks that provides adequate open space, structured parking and offers a rational sequence of phased construction. The proposed development takes advantage of existing site topography and general locations of existing curb cuts. Redesigning the proposed internal streets and garage access drives to align with Old Game Preserve Road and Travis View Court will reduce the efficiency and relative equal distribution of development on the two blocks in addition to altering the feasibility of Building A to accommodate existing topographic transitions, particularly as it relates to garage ingress/egress.

The ground level commercial is concentrated along Frederick Avenue and along Street A to the point of the traffic circle. The two proposed buildings will be similar in scale and height but offer different experiences for tenants and visitors. Building A is proposed to be approximately 6 stories and Building B approximately 5 stories (*see* further information on measuring height in Section IV, below). While buildings frame Street A, Building B transitions to a more open site layout along Travis Avenue. Although the Concept Plan doesn't include specific building detailing, it is envisioned that there will be spacious at-grade landscaped courtyards between the wings of Building B opening to Travis Avenue. These courtyards will provide views of the adjacent open space and will break up the mass of the building along the roadway as the neighborhood context transitions from denser commercial core near Frederick Avenue to suburban further north.

Building A is envisioned as a courtyard building with street frontage on all four sides. The building will be recessed from the intersection of Travis Avenue and Frederick Avenue to allow an integrated open space, including stormwater management, landscape plantings, decorative site walls, signage, and potentially art to mitigate the sloping topography and celebrate this gateway corner. The raised courtyard will provide a protected outdoor amenity space for residents. The streets, both internal and the adjacent public streets, will serve as the primary public realm connecting people between the proposed retail plazas and residential front courts with the surrounding properties and adjacent public parks. The future residents will enjoy a variety of open spaces including the open courtyard spaces of Building B, raised courtyard of Building A, and indoor amenities. The existing parking lot in the northern corner of the Property will be replaced with usable open space complementing Lake Forest Glen playground (Travis Park) across Travis Avenue.

There will be surface and street parking for commercial and retail use. The clearly visible parking is critical for commercial and retail tenants' success. This also provides opportunities for pick-up spaces for commercial and retail tenants which is a trend that grew tremendously as a result of the 2020 Coronavirus Pandemic and that is likely to continue. Residential parking will generally be screened from the public view. Building B wraps around a structured parking garage. Access to this garage will be provided from Street A and from a rear service lane with access to Travis Avenue. Building A's parking is located below the building footprint. Commercial and retail, residential units and landscape and architectural screening will conceal the garage. Where the face of the garage is exposed, those facades will be integrated with the building above, using similar fenestration proportions, materials, and patterns as demonstrated by the conceptual renderings provided with

this Application. Also, as outlined in Section V of this Statement, the Project will be subject to and address all Adequate Public Facilities Ordinances including the following: traffic, school capacity, water and sewer facilities, and fire and emergency services.

IV. Rezoning and Required Findings

The Property’s current C-2 Zoning does not allow the proposed mixed-use redevelopment that is appropriate for this site as that zone prohibits residential. The Property needs to be rezoned to the CD Zone to enable the Project, and the applicable City Master Plan recommends rezoning the Property to the CD Zone. The required findings for rezoning are met. Section 24-160G.7(a) of the City Zoning Ordinance provides:

- 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.*

Conformance with the Purposes and Development Standards of the Zone - Section 24-160G.7(a)(1)

As required by Section 24-160G.7(a)(1), the Application meets or accomplishes the purposes, objectives, and minimum standards and requirements of the proposed CD Zone.

The rezoning of the Property will comply with the purposes of the CD Zone, outlined in Section 24-160G.1, as follows:

- *The rezoning encourages a form of development, consistent with the goals and provisions of the respective master plans 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.*

The Project is consistent with the goals and provisions of the respective Master Plan for the City, as explained further in the following Master Plan section. Additionally, the development will achieve the physical characteristics necessary to enhance the economic vitality, planned visual character, and quality of life by converting an underutilized shopping center and surface parking into a vibrant, well designed, quality architecture, mixed-use project. The Project will offer a greater tax base, housing opportunities, and commercial and retail that all will enhance economic

vitality and quality of life for City residents. The shift from existing retail shopping center and potentially more office use on the Property to a more residential and more neighborhood scale commercial focused redevelopment creates greater sustainability long-term with a diversity of job opportunities with the commercial, retail, office and residential support. In the greater submarket, retail is – and will remain – oversupplied and should be right-sized accordingly. In addition, the Coronavirus Pandemic has continued to alter and reduce demand in the office market.

- *The rezoning creates a more attractive and cohesive development pattern and enhances the city's sense of place through the creation of individual character associated with the corridor in the applicable corridor master plan.*

The Application further meets the Corridor Master Plan recommendation that encourages the Property to be rezoned to the CD Zone. The Project will create a more attractive and cohesive development pattern than currently exists on the Property today. The Property currently includes two adjacent retail buildings and two disconnected pad sites. Except for the pad building closest to Frederick Avenue, the buildings sit back from the road behind a vast surface parking area. Converting the Property from an underutilized retail center with a large amount of surface parking to a vibrant mixed-use community with commercial, office, retail, residential and structured parking will create a strong sense of place. The design carefully locates a new commercial core along Frederick Avenue and adds residential uses above and back toward Travis Avenue which transitions effectively to the nearby residential communities. In addition, the architecture will provide high quality materials and strong street-level experience that will meaningfully enhance the character of the Property.

- *The rezoning encourages development and redevelopment and renovation of declining or underutilized properties along the corridor.*

The Project achieves the objective of improving underutilized properties by converting an underutilized retail center into a mixed-use community with a defined commercial core. Traditional retail and office demands are changing. This specific location is best suited for a mix of uses and downsizing the commercial and retail uses. Although the Property has good visibility from Frederick Avenue, the access is challenging for a large retail center. Functionally, there is only a right-in access from Frederick Avenue which limits accessibility. The Project includes commercial, office, and retail uses more in line with the neighborhood services. For example, uses could include restaurants, boutique fitness, medical offices, financial services, and office-support services. This reuse will also provide a good transition from the nearby residential communities and will complement the mixed-use Spectrum development across Frederick Avenue.

- *The rezoning encourages the use of consistent, compatible, and attractive architecture, streetscape, and visual themes.*

The conceptual architectural renderings submitted with this Application demonstrate that the Project will include consistent, compatible, and attractive architecture. The proposed architecture responds to the unique site conditions and urban design strategy of this redevelopment. The architectural language will be contemporary, while applying timeless strategies such as creating a distinctive base, middle and top of the building. Although the architecture is conceptual at this stage, the Applicant expects that the final architecture will introduce a pattern of massing, forms, proportions, colors, and materials to create visual interest, add shadow lines and break down the scale of the buildings into smaller units particularly along the public roads. This strategy gives the illusion of a family of smaller buildings on a block rather than a single massive building. Iconic and expressive protruding bays next to recessed balconies and changes in materials will articulate focal corners, building entrances and important terminating views. Collectively these types of architectural elements will reinforce a sense of hierarchy with emphasis and focus on retail storefronts and residential lobbies creating a welcoming and visually appealing pedestrian street. While there will be a common pattern language between the two buildings, both have their own individual expressions. The Applicant anticipates that the buildings will be composed of durable and quality materials, blending masonry, particularly at the base, with lighter materials such as fiber-cement or metal panels above. The contrasting, but neutral color schemes of materials will reinforce the gateway corners, bays, entrances, and retail storefronts. Signature corners and bays are expected to be highlighted by enhanced materials and will include thoughtfully dimensioned window bays, providing views and helping to activate these important building edges in the evening.

- *The rezoning provides an appropriate scale of development and mix of retail, service, employment, and residential uses as recommended in the applicable Corridor Plan.*

All uses listed as permitted and not solely as special exceptions or conditional uses in all zoning districts are permitted in the CD Zone. The Project will provide an appropriate scale of development and mix of uses as recommended by the Corridor Plan. The redevelopment is scaled to complement the existing mixed-use buildings across Frederick Avenue. This Project will position buildings to frame the corridor and create a gateway experience at the intersection of Spectrum Avenue, Travis Avenue, and Frederick Avenue. Street A will align with Paramount Park Drive providing visual connection between the mixed-use neighborhoods. The types of uses envisioned for the Project include a balance of commercial, office, and retail at the ground level with residential on the upper levels. Potential uses include: restaurants, neighborhood-oriented services, financial services, medical offices,

and boutique fitness and other similar uses. A greater focus on employment/office uses is not consistent with market conditions and would not revitalize the Property to the same degree as the mix of uses that are proposed.

As required by Section 24-160G.2, the Project proposes uses that are permitted by the CD Zone. The CD Zone permits “all uses listed as permitted and not solely as special exceptions or conditional uses in all zoning district, unless otherwise prohibited” (Section 24-160G.2). The City’s C-2 Zone permits retail and commercial uses, and the City’s R-H Zone permits multifamily residential.

As required by Section 24-160G.3, the Project meets the minimum location requirements for the CD Zone. The Project is located in the Northern Employment District area of the 2001 Frederick Avenue Corridor Land Use Plan, which encourages property owners to apply for rezoning to the CD Zone. Additionally, the Property is recommended for the CD Zone in the 2009 Land Use Element of the Master Plan.

The Project meets the minimum development standards for the CD Zone provided in Section 24-160G.4, as follows:

(a) Height of buildings and structures.

The Property is included within the Northern Employment District of the Corridor Plan, which has a height limit of 6 stories not to exceed 65 feet. Under Section 24-160G.5.(a)(4), the City Council may waive the height requirement for an employment district to allow a height not to exceed 8 stories or 90 feet. Due to existing topographical conditions on the Property, the Applicant requests a waiver to allow for a building height that exceeds 65 feet (but is significantly less than 90 feet), as calculated based on the definition of building height from the City Code.¹

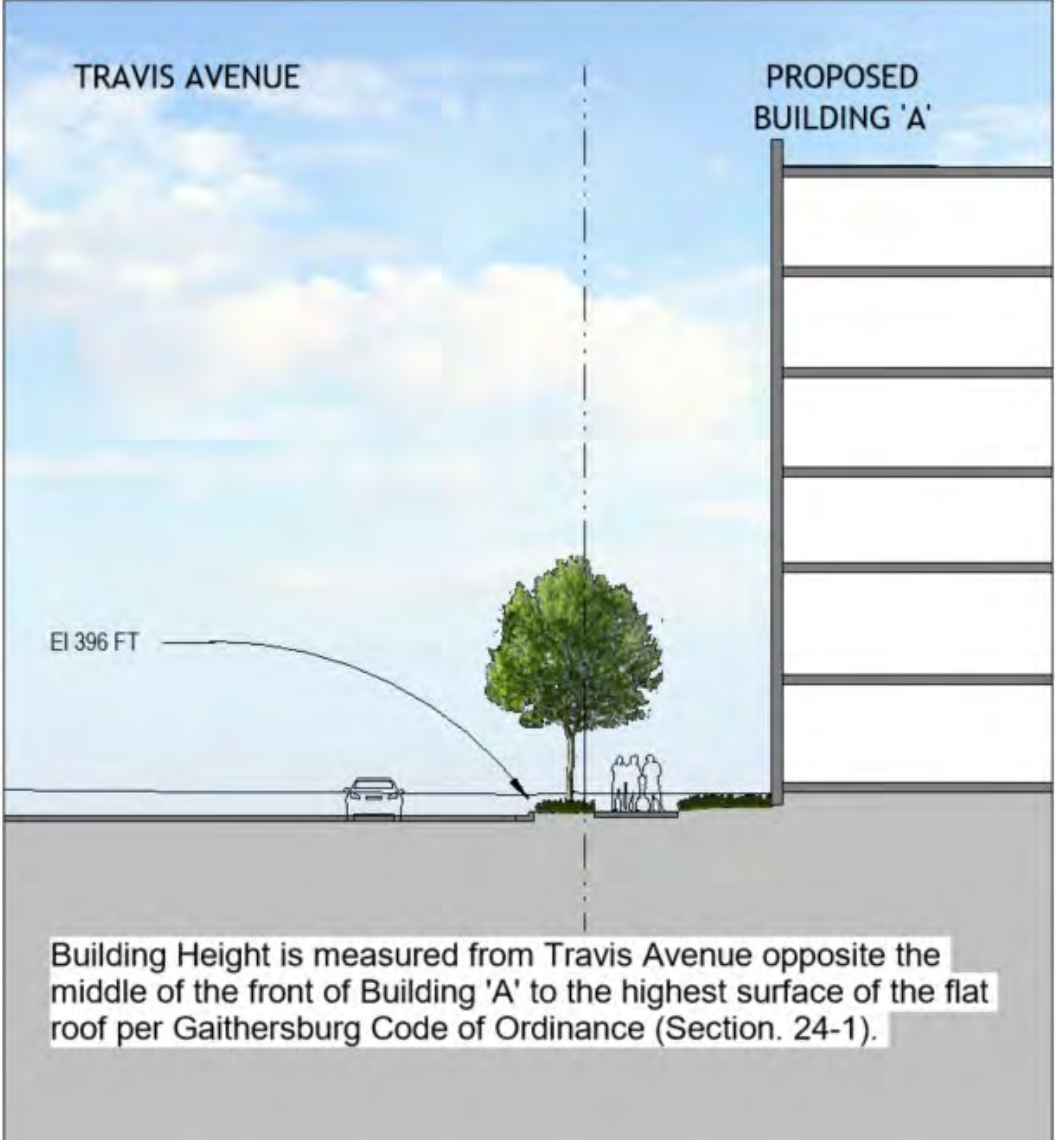
The waiver request is as follows: The Property is generally flat ranging in elevation from 400-408 feet. Buildings A and B are 5 stories and approximately 60 feet tall when observed along the proposed New Street A. Building B is located on the flatter portion of the site and has a consistent building height of 5 stories. Building A is located where there is an abrupt transition in the grade and will have the perceived height of 6 stories facing Frederick Avenue and Travis Avenue where the site grade is lowest.

The building height of Building A as measured from Travis Avenue at the midpoint

¹ *Building height.* The vertical distance measured from the level of approved street grade opposite the middle of the front of building to the highest point of roof surface of a flat roof, to the deck line of a mansard roof, and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; except, that if a building is located on a terrace, the height above the street grade may be increased by the height of the terrace. In the case of a building set back from the street line thirty-five (35) feet or more, the building height is measured from the average elevation of finished ground surface along the front of the building. On corner lots exceeding twenty thousand (20,000) square feet in area, the height of the building may be measured from either adjoining curb grade. For lots extending through from street to street, the height may be measured from either curb grade; provided, that the maximum height permitted on the lower street shall extend back from such street not less than one hundred fifty (150) feet.

of the building front is 68'8" (see height exhibit below). The Travis Avenue frontage was selected as the measuring point due to the building front being parallel to and within proximity of the right-of-way. This single measurement point is an anomaly and does not address the complexity of the local topography.

At the lowest elevation point to Building A (northwest facing facade of the building), the building height is approximately 76 feet measured from the adjacent grade. The lowest portion of Building A has a deep setback of 133 feet from the right-of-way truncation at the intersection. This setback from the intersection will help mitigate the perception of the additional height of this building.



The average building height of Building A accounting for all corners of the building is approximately 65 feet. This average factors in both the 5-story portion of the building facing New Street A and the remaining 6-story portion of the building facing other directions.

Thus, the Applicant requests a height waiver of 76 feet from the lowest elevation point to allow some flexibility. The height waiver meets the required findings under Section 24-160G.5(b), as follows:

- (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.*

The Project will provide landscaping, a plaza area, open space, and other green areas on a developed site in which there are very few, if any, existing amenities. Additionally, the Project will provide important affordable housing units, which is a public amenity.

- (2) *The additional height is necessary to implement the master plan and a specific land use plan for Gaithersburg or attract an appropriate and compatible type or caliber of user.*

The proposed height is generally consistent with the applicable Master Plan height limit. The Northern Employment District allows a height limit of 6 stories. The Project does not exceed 6 stories. The additional height is necessary simply to account for the 65-foot height limit, and to account for the topography on the Property and how building height is measured under the City Code. In addition, the Project will be best in class for each of the proposed uses and therefore needs to include sufficient floor to ceiling heights for the commercial and retail uses as well as suitable ceiling heights for the residential uses.

- (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.*

The additional height is compatible with existing and proposed adjacent land uses and will not detrimentally impact any adjoining properties. The proposed height is similar to the height of the existing Spectrum Apartments development across Frederick Avenue. There are no existing buildings or uses directly across Travis Avenue that will be impacted.

For these reasons, the Applicant asks the City Council to grant a modest height waiver as allowed under Section 24-160G.5.(a)(4).

- (b) *Building and structure placement.*

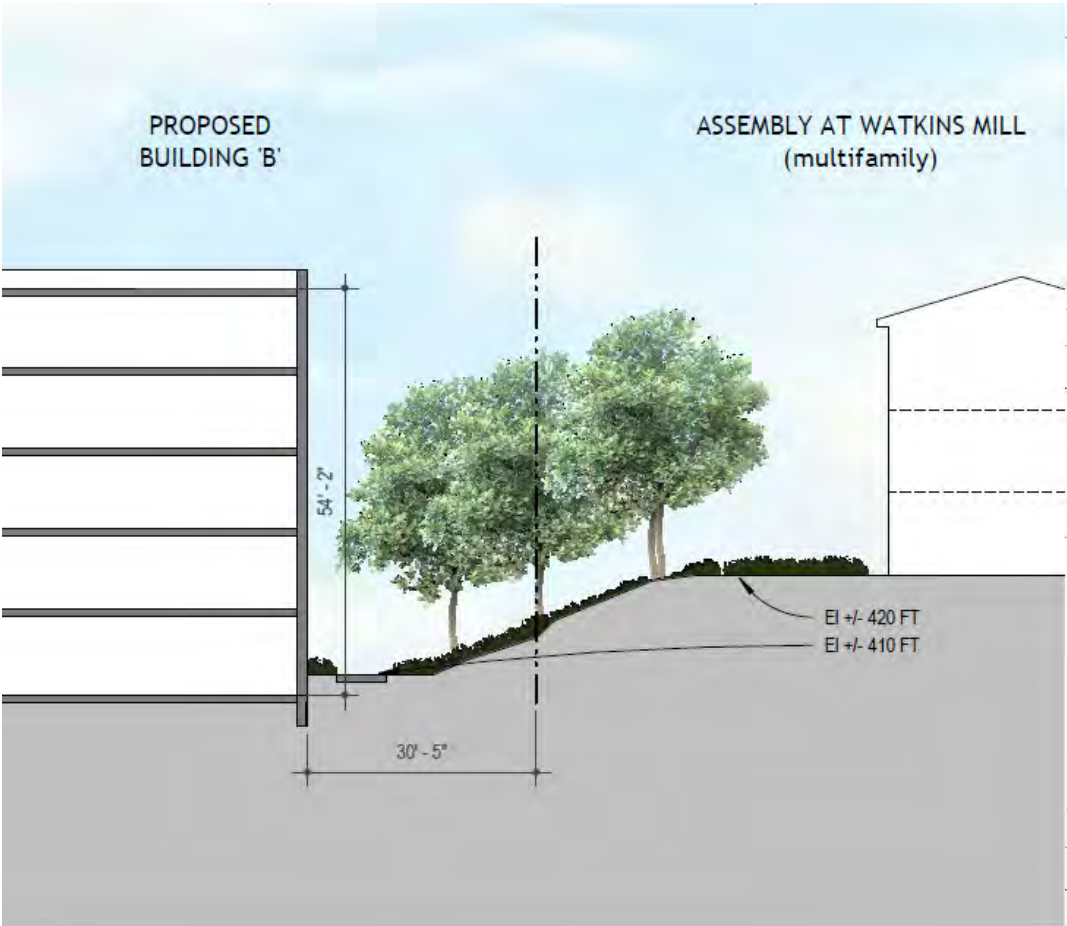
The buildings will be sited to front the public streets. Retail, plazas and seating areas will be oriented towards the Frederick Avenue corridor. A parallel frontage street along Frederick Avenue will provide convenient retail parking and access to parking and service facilities. This street will be landscaped to mitigate the visual

impact of the extra roadway while providing shade and comfort for retail patrons.

Residential entries will be oriented to the proposed Street A. This strategy will provide convenient residential drop-off where the site is relatively level. Quality architectural detail, fenestration, character, patterns, and colors will skin the building on all sides seen from the public. Building B's service area will be located away from the public view. Building A's service areas will be enclosed within the building and screened by doors integrated into architectural language to reduce the presence of the service area along Street A and frontage road parallel to Frederick Avenue. A site wall, grade transition and landscape material will provide a buffer between the Building A's retail and service area.

(c) *Building and/or structure setbacks.*

The Project will comply with these requirements. The proposed buildings are not located in an existing or planned right-of-way, and the buildings will meet the minimum setback requirements. The garage of Building B is located at a minimum of 30 feet from the adjoining property line with the Assembly Watkins Mill neighborhood to the east. This buffer will be densely planted to provide adequate screening between properties. The section below shows the relationship of Building B to the adjoining property.



(d) Building design.

The applicable Corridor Plan does not include any specific design theme and criteria for the Property. The proposed architecture and Project design will be compatible with neighboring properties and will comply with these provisions. Retail storefronts will be oriented towards Frederick Avenue or internal Street A. Both buildings will be designed with four-sided architecture in mind so that they are attractive from various vantage points.

(e) Parking and access.

Following the Concept Plan phase, the Project will refine the parking based on the specific uses. The two buildings are configured to accommodate all of the residential parking within the footprint of the parking structure in each building, and there will be retail surface parking and street parking spaces along Street A consistent with the City of Gaithersburg Road Code. In addition, there is surface parking provided along the southwest edge of the Concept Plan which is essential to attract and keep commercial and retail viable in this location. Commercial and retail uses rely on the appearance and function of accessible and easy parking. This proposed condition will require a waiver at Final Site Plan under Sec. 24-160G.4(e) to allow parking in front of the front building line. The plan does provide generous open space between the back of the existing sidewalk to the edge of frontage street. The Project will otherwise comply with the City parking requirements contained in Section 24-219(b) and the additional parking standards from this section.

(f) Streetscape and signage.

No specific design criteria are specified for the Property in the Corridor Plan. Following the Concept Plan phase the Project will refine and detail the streetscape and signage plans consistent with the uses, neighborhood context, and code requirements.

(g) Buffers.

The Project is an almost triangular shape and bound by North Frederick Avenue and Travis Avenue as well as the neighboring Assembly Watkins Mill apartment community. Special attention will be given to how the Project adjoins the public areas. There will be opportunities for strong landscaping and building design to create transitions. There is currently a strong tree line separating the Project from Assembly Watkins Mill to the east, and the Project includes additional plantings to further buffer the properties. The rear loading area of the Property currently faces Assembly Watkins Mill, but the newly designed building will be a vast improvement over the back of the existing retail buildings.

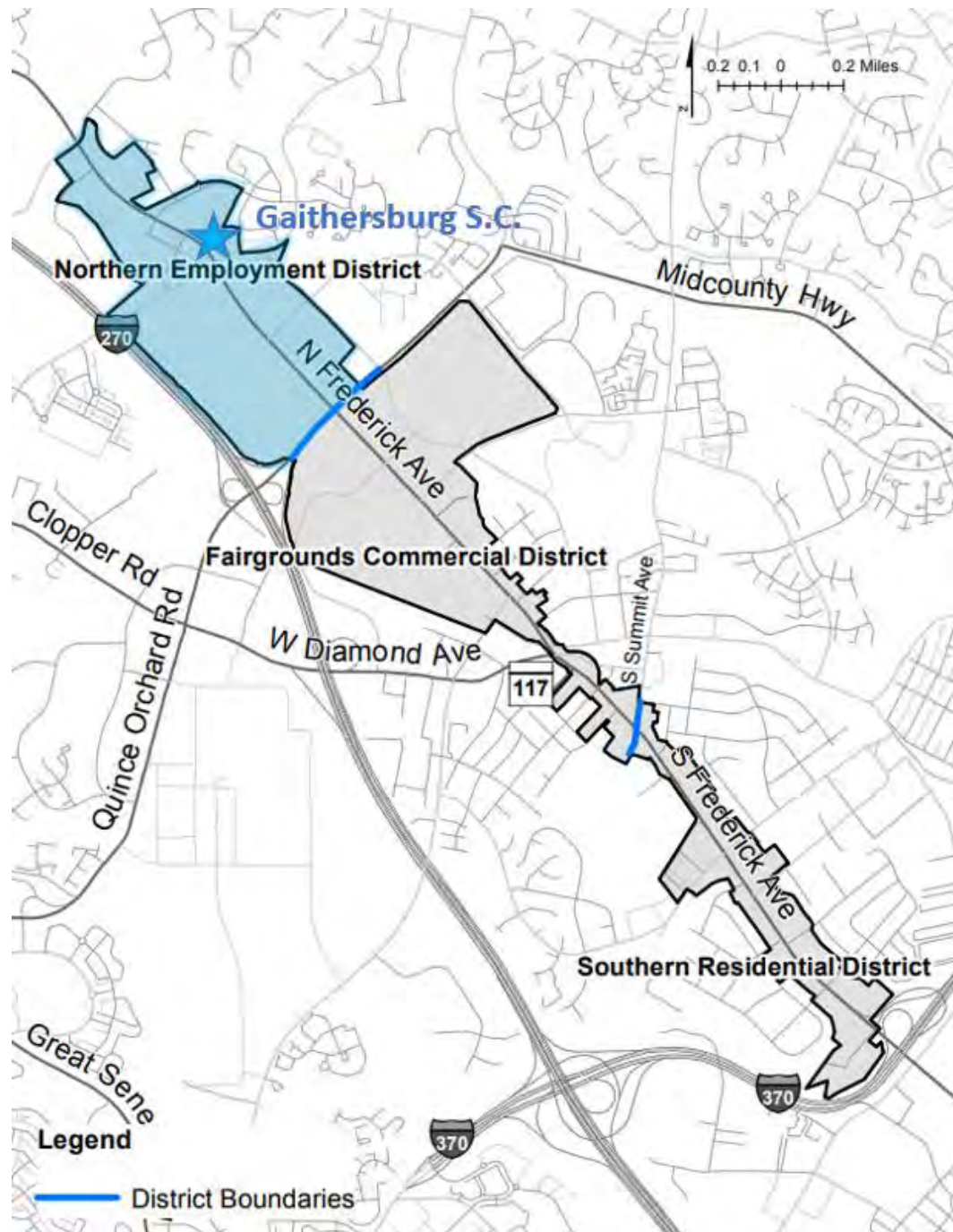
Conformance with the Master Plan - Section 24-160G.7(a)(2)

The applicable City Master Plan outlines a good framework for the Corridor; however, it is more than 10 years old, and office, commercial, and retail dynamics are changing quickly. The 2020 Coronavirus Pandemic punctuated and accelerated changing market dynamics. As required by Section 24-160G.7(a)(2), the Application is in accord with the recommendations in the applicable Master Plan for the area and is consistent with any special conditions or requirements contained in said master plan.

The Property is included in the 1997 Neighborhood Six Land Use Plan (Study Area 1).² The 1997 Plan generally reconfirmed the commercial land use designation.

The Property also is in the area designated as the Northern Employment District in the adopted 2001 Frederick Avenue Corridor Land Use Plan (“Corridor Plan”). The Corridor Plan provides that “All land use designations and zoning recommendations made in the 1997 Neighborhood Six Land Use Plan are reconfirmed. However, all parcels are required to adhere to the *Frederick Avenue Corridor Plan* development requirements” (page 16). Additionally, the Corridor Plan includes the Property in the areas encouraged to be rezoned to the CD Zone. The Corridor Plan states: “[P]roperties along the Corridor that are not undergoing a change in land use are eligible for subsequent comprehensive rezoning to the new CD Zone. 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 [Corridor Plan]” (page 4).

² “A significant retail development within the study area was the construction in 1989 of the 8.77-acre Hechinger’s Square shopping center with gross leasable area of 86,942 square feet on land previously owned by the City of Gaithersburg. New development and redevelopment must focus on sound principles and practices of urban design with renewed emphasis on pedestrian orientation of sites, usable and attractive street lights, additional shade trees, improved sidewalks, accessible crosswalks, and well-located bus shelters, among other ingredients.” 1997 Plan, page 7.



Additionally, the Property is specifically identified as a map designation in the adopted 2009 Land Use Element of the Master Plan. The Property is identified as “Hechinger Property/Great Beginnings,” and the 2009 Plan provides, as follows:

“This 8.8-acre property contains an older shopping center with a large amount of surface parking. Its location along the Frederick Avenue corridor makes it appropriate for redevelopment in the future. As part of the Northern Employment District of the Frederick Avenue Corridor, several land use options are applicable. A mixed-use project with an emphasis on Commercial and Office uses with a small

residential component would retain the employment base and provide a small number of new housing opportunities. The existing commercial use could be expanded with additional office development or uses, increasing the employment base for the City.

Applicable Strategic Direction: Planning, Economic, Housing

Land Use and Zoning Actions:

Scenario A

- Adopt Mixed Use land use designation
- Recommend zoning change from C-2 to CD, MXD, or a future zone that facilitates a mix of uses and incorporates sustainable development standards

Scenario B

- Retain Commercial-Office land use designation
- Zoning remains C-2” (pages 30-31).

This Application and Project are consistent with these Master Plan goals and provisions by proposing to rezone the Property from C-2 to CD and by proposing redevelopment with a mix of uses that incorporates sustainable development standards (“Scenario A”). The Property is in the area designated as the Northern Employment District in the Corridor Plan. The Property is specifically identified as a map designation in the adopted 2009 Land Use Element of the Master Plan. The Property is squarely located in the areas within the Corridor Plan encouraged to be rezoned to the CD Zone. Therefore, this Application is consistent with the Master Plan by requesting to rezone the Property from the C-2 Zone to the CD Zone.

The proposed rezoning will bring the Property more in line with the neighboring community and development across Frederick Avenue. As noted in Section II above (Background for Requests), the market is driving reduced demand for commercial, retail, and office uses in certain locations and an increased demand for housing. The City also has recognized its important role in meeting regional housing goals. As such, the Project rebalances the uses and incorporates market appropriate amounts of each use. The proposed redevelopment is in keeping with the scale, building heights, and mix of land uses of the existing Spectrum neighborhood across Frederick Avenue. Given market conditions and the surrounding residential uses, the Property is more suitable for more residential and less office. The proposed Project will support the City’s expected population growth and need for affordable housing. Additionally, it will offer neighborhood serving retail that complements existing retail businesses and supports residents along the corridor.

Compatibility with Surrounding Area - Section 24-160G.7(a)(3)

As required by Section 24-160G.7(a)(3), the Application and Concept Plan will be internally and externally compatible and harmonious with the existing and planned land uses in the CD zoned areas and adjacent areas.

The proposed redevelopment is in keeping with the scale, building heights, and mix of land uses of the existing Spectrum neighborhood across Frederick Avenue. The proposed project will offer neighborhood serving retail and services that complements existing retail businesses and supports residents along the corridor. Planted buffers will be provided between the Assembly Watkins Mill and this redevelopment. The Building B will transition its massing and building edge to be more open towards Travis Avenue where the context becomes more residential.

V. Findings for Concept Plan Approval

The Applicant requests approval of the proposed Concept Plan. The Application meets the requirements for Concept Plan approval provided in Section 24-160G.7(b), as follows:

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

The Project 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. The proposed plan will meet the development standards of the CD Zone, as explained above. Conceptual architecture has been submitted as part of this Application, and should the Application be approved, plans will be refined further at later stages and will be compatible with the surrounding area. Retail and project signage will comply with current regulations. Street lighting and streetscape design will take into consideration existing context, regulations, and guidelines.

- (2) The plan meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone;*

As explained in Section IV above, the proposed Project meets the applicable purposes, objectives, development standards, and requirements of the CD 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;*

As described in Section IV of this Statement above, the proposed Project is

substantially in accord with the Master Plan recommendations.

- (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;*

As discussed in Section IV above, the Project is 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;*

The existing public facilities are adequate to serve the proposed Project, in conformance with the City's Adequate Public Facilities Ordinance (Sec. 24-243-248).

Section 24-245 Traffic impact study standards.

As the Project progresses through the development review process, the Applicant's transportation consultant will submit a Traffic Impact Study in accordance with the City's Traffic Impact Study Standards and Regulations. The full Traffic Impact Study will comprehensively evaluate existing transportation facilities, projected trip generation, access, and circulation.

Section 24-246 Adequacy of school capacity

School capacity will be evaluated later in the development review process. Currently, the schools that serve this location include Watkins Mill Elementary, Montgomery Village Middle School, and Watkins Mill High School. Based on the City's FY21 analysis, school capacity exists to support residential development in this location.

Section 24-247 Water and Sewer Service

The Property is currently served by both water and sewer service. The Property is located on WSSC Map 225NW10.

Section 24-248 Fire and emergency services

The Property is currently served by at least two fire and rescue stations within 10 minutes (County Fire and Rescue Stations 8 and 34).

- (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;*

The Project could be constructed in one or two phases. The Project is designed to accommodate a multi-phase redevelopment with the potential of preserving existing retailers in place. The phasing is flexible depending

on current leases and contracts between the retail tenants and property ownership. The phasing schedule will be refined as the designs advance.

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

The redevelopment of this aging shopping center into a mixed-use neighborhood will add to the vitality and attractiveness of the northern end of the Frederick Avenue Corridor. The redevelopment adds green space and public areas on what is currently a vast surface parking lot. The addition of mixed-use residential will provide a critical mass of pedestrians to support the businesses proposed in this development as well as the established business along the Corridor and particularly across Frederick Avenue. The addition of residential uses also will support the City's expected population growth and need for additional housing, particularly affordable housing. The site design will be inviting for pedestrians and provide additional connectivity between Travis Avenue and Frederick Avenue.

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

Not applicable. There are no structures on the Property that must be referred to the City Historic District Commission for review, prior to demolition.

VI. Community Outreach

During the visioning and design process the Applicant has reached out to neighbors in adjacent and nearby communities to share the proposed rezoning and Concept Plan and receive input. Outreach efforts and meetings are listed below, and the Applicant will continue conversations with community members.

- Lakeforest Glen: Presented at management company meeting on April 21, 2021 at 6 pm
- Montgomery Meadows: Presented at the Board meeting on April 8, 2021 at 7 pm
- Old Carriage Hill: reached out 4 times, no response as of this writing
- Woodland Hills: waiting for confirmation from management company for meeting date
- Village Overlook: Presented at the Board meeting on March 18, 2021 at 6 pm
- Windbrooke: reached out to the new management company (started in February 1, 2021) 2 times, no response yet
- Village Overlook IIA: Presented at the Board meeting on March 17, 2021 at 6 pm
- Village Overlook IIB: reached out 3 times, no response as of this writing

- Assembly Watkins Mills: reached out 5 times, no response as of this writing

VII. Conclusion

The proposed rezoning and Concept Plan for the Property are consistent with the Master Plan recommendations, fulfill the purposes and requirements of the CD zone, and are compatible with existing surrounding uses. The opportunity to redevelop the Property presents an opportunity to create a vibrant mixed-use development. The Concept Plan application is in the public interest and can be approved without any adverse impact on the surrounding properties or public facilities. The Applicant is excited about the opportunity to fulfill the Property's potential and requests approval in order to realize this plan. If you have any questions or need any additional information, please do not hesitate to contact us. Thank you very much for your favorable consideration.

**Statement in Support of Joint Zoning Map Amendment and
Concept Plan Applications for the Property Located at
18519 North Frederick Avenue, Gaithersburg**

McCormick Realty Limited Partnership (“Applicant”) submits this Statement in support of its Zoning Map Amendment and Concept Plan applications (“Application”) for the property located at 18519 North Frederick Avenue (eastern quadrant of North Frederick Avenue and Travis Avenue intersection), Gaithersburg, Maryland 20879 (“Property”). The Application requests rezoning from the existing C-2 (General Commercial) Zone to the CD (Corridor Development) Zone per City Code Sec. 24-160G.6. - Procedure for application and approval.

The Property totals approximately 8.77 acres (or 382,078 square feet) and is improved with four commercial buildings totaling 88,277 square feet. The Property is identified as Parcel N216, Tax Map FT33 (Tax ID Number 09-02835786) and as Parcel A, Hechinger Property, Plat 17371. The Applicant proposes to convert the existing 88,277 square feet of primarily one-level retail into a mixed-use community including commercial, retail, and apartments, in accordance with the 2009 Land Use Element of the City Master Plan (the “Project”). The Project proposes reimagining an underutilized retail center into a more vibrant mixed-use community showcasing a commercial node along Frederick Avenue and adding upper level residential as the site retreats to the neighboring communities.

In addition to the rezoning, the Applicant is concurrently requesting Concept Plan approval for the Property, along with a modest height waiver request that is allowed in the CD Zone. The proposed Project will include two new mid-rise buildings including up to 48,000 square feet of commercial, office and retail space and up to 580 residential units. Given the location, property configuration, and market, the Project creates a higher and better use for the Property than its current use.

The proposed redevelopment will create a mixed-use center at the northern end of the Frederick Avenue corridor at the intersection with Travis Avenue serving as a highly visible gateway into Gaithersburg. Mid-rise mixed-use buildings will have frontage on the corridor, complementing the scale and spirit of the existing mixed-use neighborhood across Frederick Avenue. Ground level commercial, office and retail uses including outdoor seating, plaza and green space will activate the streetscape along the corridor.

I. Description of Property, Existing Conditions, and Surrounding Neighborhood

The Property is zoned C-2 (General Commercial) and is located on the east side of Maryland Route 355 (North Frederick Avenue), just to the south of the intersection of N. Frederick Avenue and Travis Avenue. The site is shaped in a generally triangular configuration and is bounded by N. Frederick Ave to the south and west, Travis Avenue to the north, and a multifamily community to the east located in the R-18 (Medium Density Residential) Zone. Across Travis Avenue there is a narrow strip of property located in the C-2 (General Commercial) Zone. Across Frederick Avenue, the property is zoned MXD (Mixed Use Development). The Property is located roughly one-half mile east of I-270 and just blocks from the new Watkins Mill interchange that connects

communities on the east and west sides of I-270. The InterCounty Connector (MD-200), which connects I-95 with I-270, is less than four miles southeast of the Property, providing a connection with the greater region. The Property is about two miles from Washington Grove, Gaithersburg, and Metropolitan Grove MARC commuter rail stations which provide connections to Rockville, Silver Spring, and Washington, DC's Union Station. The Shady Grove Metro (Red Line) station is about five miles to the southeast of the Property.

The existing residential stock in the immediate area surrounding the Property consists of established single-family attached and detached neighborhoods north and west of the Property. Paramount and Majestic at Spectrum are new mid-rise apartment communities located across Frederick Avenue from the Property in the MXD (Mixed Use Development) Zone which also include ground floor commercial, and retail uses and pad retail sites. Along Frederick Avenue there is a mix of mostly retail and commercial uses. Lakeforest Mall, currently undergoing a master planning process for redevelopment, is less than one mile to the south of the Property. In addition, the Property is within proximity to several parks, public and private schools, recreational activities, and other amenities.



II. Background for Requests

Although the Property currently has successful operating businesses, the objective of the Application is to position it for long-term viability. The commercial, office, and retail landscape are evolving at a faster pace than ever before, and the Applicant's strategy for this Property is to evolve with it. A mix of complementary and diverse uses provides a sustainable development which ultimately adds value to the community. The main reasons for evaluating the future use of this Property are:

- Changing consumer demands mean shoppers want technology, convenience, and a live/work/play lifestyle.
- Rise of e-commerce has driven retailers to downsize – or right-size – store footprints and they perfect their omnichannel strategies, meaning the retail integrates different methods of shopping available to consumers such as online, in a physical store, or by phone.
- Significant population migration to first- and second-ring suburbs creates strong housing demand as reinforced by the City of Gaithersburg's visioning study in December 2020 noting the need to add 6,700-9,700 additional housing units to meet growth by 2045.
- Boomers, Millennials, and Gen Z desire more walkable communities.
- Office dynamics are changing as a result of the 2020 Coronavirus Pandemic.

The Applicant believes that creating a mixed-use community creates an environment that delivers an appealing mix of convenience, experience, and amenities. The Applicant is proposing a plan that adapts to the market by providing a diversity of uses. More specifically, the Applicant feels that this location doesn't support solely one use. In other words, it should not be all retail, all office, all commercial, or all residential, but rather a thoughtful balance of these uses congruent with the Property's location and market projections.

III. Description of Project and Concept Plan

At time of Concept Plan, the detailed architecture is not required; however, the Applicant understands that this location is an unofficial gateway to the City of Gaithersburg and proposes a high-quality level of design befitting of this designation. The redevelopment will comply with any multifamily residential and commercial green building requirements. The Applicant is committed to sustainability and will be implementing initiatives to further improve water efficiency, reduce energy consumption, enhance indoor air and thermal comfort as well as employ rainwater management best practices. The Project further promotes smart growth principles by redeveloping previously disturbed land and placing density within walking distance to supportive services and access to bus transit services. The Preliminary Forest Conservation Plan is included with the submission identifies general locations and methods. A final Forest Conservation Plan will be provided at Final Site Plan. Furthermore, a Concept Storm Water Management Plan has been submitted to the City of Gaithersburg Department of Public Works for review and approval. As shown below and further described in this Statement, the Concept Plan does detail the way that the site is oriented and operates. The Concept Plan includes two distinct mixed-use buildings – Building A and Building B – with a mix of commercial, retail, and office uses on the ground floor and multifamily residential on the upper floors.



Street A is the primary organizing street that provides internal building frontage and creates public space with shade trees, attractive lighting, and ample sidewalk width for pedestrians. This street will be aligned with Paramount Park Drive providing a strong visual relationship between the Spectrum development across Frederick Avenue and the center of this redevelopment. From Frederick Avenue, Street A is designed as a commercial core Main Street with back-in angled parking for commercial and residential visitors. Street-level commercial uses and articulated building corners accentuate the arrival from Frederick Avenue and a feature element identifying the lobby of Building B terminates the views up this street before the street bends to connect to Travis Avenue. A traffic circle will resolve the geometry of Street A and will be designed as a welcoming plaza physically and visually connecting the two residential building lobbies. The traffic circle will enable drivers to turn around without having to enter onto the adjacent public streets and serves as a traffic calming because it requires cars to slow down. Between the traffic circle and Travis Avenue the character of the Street A transitions into a Neighborhood Residential Street type, where a distinctive stoop zone with foundation plantings creates a buffer between the public realm and the adjacent ground level residential units.

The garages for both buildings are accessed from Street A and Travis Avenue. Building A has direct right-in only garage access from Travis Avenue and Building B garage access is provided

via a driveway located near the eastern corner of the site. The Street A terminus on Travis Avenue is offset from Old Game Preserve Road Travis View Court. There is approximately 150' separation from the centerline of Street A to Old Game Preserve Road and approximately 290' separation Travis View Court. The proposed Street A alignment creates two well-proportioned and dimensioned development blocks that provides adequate open space, structured parking and offers a rational sequence of phased construction. The proposed development takes advantage of existing site topography and general locations of existing curb cuts. Redesigning the proposed internal streets and garage access drives to align with Old Game Preserve Road and Travis View Court will reduce the efficiency and relative equal distribution of development on the two blocks in addition to altering the feasibility of Building A to accommodate existing topographic transitions, particularly as it relates to garage ingress/egress.

The ground level commercial is concentrated along Frederick Avenue and along Street A to the point of the traffic circle. The two proposed buildings will be similar in scale and height but offer different experiences for tenants and visitors. Building A is proposed to be approximately 6 stories and Building B approximately 5 stories (*see* further information on measuring height in Section IV, below). While buildings frame Street A, Building B transitions to a more open site layout along Travis Avenue. Although the Concept Plan doesn't include specific building detailing, it is envisioned that there will be spacious at-grade landscaped courtyards between the wings of Building B opening to Travis Avenue. These courtyards will provide views of the adjacent open space and will break up the mass of the building along the roadway as the neighborhood context transitions from denser commercial core near Frederick Avenue to suburban further north.

Building A is envisioned as a courtyard building with street frontage on all four sides. The building will be recessed from the intersection of Travis Avenue and Frederick Avenue to allow an integrated open space, including stormwater management, landscape plantings, decorative site walls, signage, and potentially art to mitigate the sloping topography and celebrate this gateway corner. The raised courtyard will provide a protected outdoor amenity space for residents. The streets, both internal and the adjacent public streets, will serve as the primary public realm connecting people between the proposed retail plazas and residential front courts with the surrounding properties and adjacent public parks. The future residents will enjoy a variety of open spaces including the open courtyard spaces of Building B, raised courtyard of Building A, and indoor amenities. The existing parking lot in the northern corner of the Property will be replaced with usable open space complementing Lake Forest Glen playground (Travis Park) across Travis Avenue.

There will be surface and street parking for commercial and retail use. The clearly visible parking is critical for commercial and retail tenants' success. This also provides opportunities for pick-up spaces for commercial and retail tenants which is a trend that grew tremendously as a result of the 2020 Coronavirus Pandemic and that is likely to continue. Residential parking will generally be screened from the public view. Building B wraps around a structured parking garage. Access to this garage will be provided from Street A and from a rear service lane with access to Travis Avenue. Building A's parking is located below the building footprint. Commercial and retail, residential units and landscape and architectural screening will conceal the garage. Where the face of the garage is exposed, those facades will be integrated with the building above, using similar

fenestration proportions, materials, and patterns as demonstrated by the conceptual renderings provided with this Application. Also, as outlined in Section V of this Statement, the Project will be subject to and address all Adequate Public Facilities Ordinances including the following: traffic, school capacity, water and sewer facilities, and fire and emergency services.

IV. Rezoning and Required Findings

The Property’s current C-2 Zoning does not allow the proposed mixed-use redevelopment that is appropriate for this site as that zone prohibits residential. The Property needs to be rezoned to the CD Zone to enable the Project, and the applicable City Master Plan recommends rezoning the Property to the CD Zone. The required findings for rezoning are met. Section 24-160G.7(a) of the City Zoning Ordinance provides:

- 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.*

Conformance with the Purposes and Development Standards of the Zone - Section 24-160G.7(a)(1)

As required by Section 24-160G.7(a)(1), the Application meets or accomplishes the purposes, objectives, and minimum standards and requirements of the proposed CD Zone.

The rezoning of the Property will comply with the purposes of the CD Zone, outlined in Section 24-160G.1, as follows:

- *The rezoning encourages a form of development, consistent with the goals and provisions of the respective master plans 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.*

The Project is consistent with the goals and provisions of the respective Master Plan for the City, as explained further in the following Master Plan section. Additionally, the development will achieve the physical characteristics necessary to enhance the economic vitality, planned visual character, and quality of life by converting an underutilized shopping center and surface parking into a vibrant, well designed, quality architecture, mixed-use project. The Project will offer a greater tax base, housing opportunities, and commercial and retail that all will enhance economic vitality and

quality of life for City residents. The shift from existing retail shopping center and potentially more office use on the Property to a more residential and more neighborhood scale commercial focused redevelopment creates greater sustainability long-term with a diversity of job opportunities with the commercial, retail, office and residential support. In the greater submarket, retail is – and will remain – oversupplied and should be right-sized accordingly. In addition, the Coronavirus Pandemic has continued to alter and reduce demand in the office market.

- *The rezoning creates a more attractive and cohesive development pattern and enhances the city's sense of place through the creation of individual character associated with the corridor in the applicable corridor master plan.*

The Application further meets the Corridor Master Plan recommendation that encourages the Property to be rezoned to the CD Zone. The Project will create a more attractive and cohesive development pattern than currently exists on the Property today. The Property currently includes two adjacent retail buildings and two disconnected pad sites. Except for the pad building closest to Frederick Avenue, the buildings sit back from the road behind a vast surface parking area. Converting the Property from an underutilized retail center with a large amount of surface parking to a vibrant mixed-use community with commercial, office, retail, residential and structured parking will create a strong sense of place. The design carefully locates a new commercial core along Frederick Avenue and adds residential uses above and back toward Travis Avenue which transitions effectively to the nearby residential communities. In addition, the architecture will provide high quality materials and strong street-level experience that will meaningfully enhance the character of the Property.

- *The rezoning encourages development and redevelopment and renovation of declining or underutilized properties along the corridor.*

The Project achieves the objective of improving underutilized properties by converting an underutilized retail center into a mixed-use community with a defined commercial core. Traditional retail and office demands are changing. This specific location is best suited for a mix of uses and downsizing the commercial and retail uses. Although the Property has good visibility from Frederick Avenue, the access is challenging for a large retail center. Functionally, there is only a right-in access from Frederick Avenue which limits accessibility. The Project includes commercial, office, and retail uses more in line with the neighborhood services. For example, uses could include restaurants, boutique fitness, medical offices, financial services, and office-support services. This reuse will also provide a good transition from the nearby residential communities and will complement the mixed-use Spectrum development across Frederick Avenue.

- *The rezoning encourages the use of consistent, compatible, and attractive architecture, streetscape, and visual themes.*

The conceptual architectural renderings submitted with this Application demonstrate that the Project will include consistent, compatible, and attractive architecture. The proposed architecture responds to the unique site conditions and urban design strategy of this redevelopment. The architectural language will be contemporary, while applying timeless strategies such as creating a distinctive base, middle and top of the building. Although the architecture is conceptual at this stage, the Applicant expects that the final architecture will introduce a pattern of massing, forms, proportions, colors, and materials to create visual interest, add shadow lines and break down the scale of the buildings into smaller units particularly along the public roads. This strategy gives the illusion of a family of smaller buildings on a block rather than a single massive building. Iconic and expressive protruding bays next to recessed balconies and changes in materials will articulate focal corners, building entrances and important terminating views. Collectively these types of architectural elements will reinforce a sense of hierarchy with emphasis and focus on retail storefronts and residential lobbies creating a welcoming and visually appealing pedestrian street. While there will be a common pattern language between the two buildings, both have their own individual expressions. The Applicant anticipates that the buildings will be composed of durable and quality materials, blending masonry, particularly at the base, with lighter materials such as fiber-cement or metal panels above. The contrasting, but neutral color schemes of materials will reinforce the gateway corners, bays, entrances, and retail storefronts. Signature corners and bays are expected to be highlighted by enhanced materials and will include thoughtfully dimensioned window bays, providing views and helping to activate these important building edges in the evening.

- *The rezoning provides an appropriate scale of development and mix of retail, service, employment, and residential uses as recommended in the applicable Corridor Plan.*

All uses listed as permitted and not solely as special exceptions or conditional uses in all zoning districts are permitted in the CD Zone. The Project will provide an appropriate scale of development and mix of uses as recommended by the Corridor Plan. The redevelopment is scaled to complement the existing mixed-use buildings across Frederick Avenue. This Project will position buildings to frame the corridor and create a gateway experience at the intersection of Spectrum Avenue, Travis Avenue, and Frederick Avenue. Street A will align with Paramount Park Drive providing visual connection between the mixed-use neighborhoods. The types of uses envisioned for the Project include a balance of commercial, office, and retail at the ground level with residential on the upper levels. Potential uses include: restaurants, neighborhood-oriented services, financial services, medical offices, and boutique fitness and other similar uses. A greater focus on employment/office uses is not consistent with market conditions and would not revitalize the Property to the same degree as the mix of uses that are proposed.

As required by Section 24-160G.2, the Project proposes uses that are permitted by the CD Zone. The CD Zone permits “all uses listed as permitted and not solely as special exceptions or conditional uses in all zoning district, unless otherwise prohibited” (Section 24-160G.2). The City’s C-2 Zone permits retail and commercial uses, and the City’s R-H Zone permits multifamily residential.

As required by Section 24-160G.3, the Project meets the minimum location requirements for the CD Zone. The Project is located in the Northern Employment District area of the 2001 Frederick Avenue Corridor Land Use Plan, which encourages property owners to apply for rezoning to the CD Zone. Additionally, the Property is recommended for the CD Zone in the 2009 Land Use Element of the Master Plan.

The Project meets the minimum development standards for the CD Zone provided in Section 24-160G.4, as follows:

(a) Height of buildings and structures.

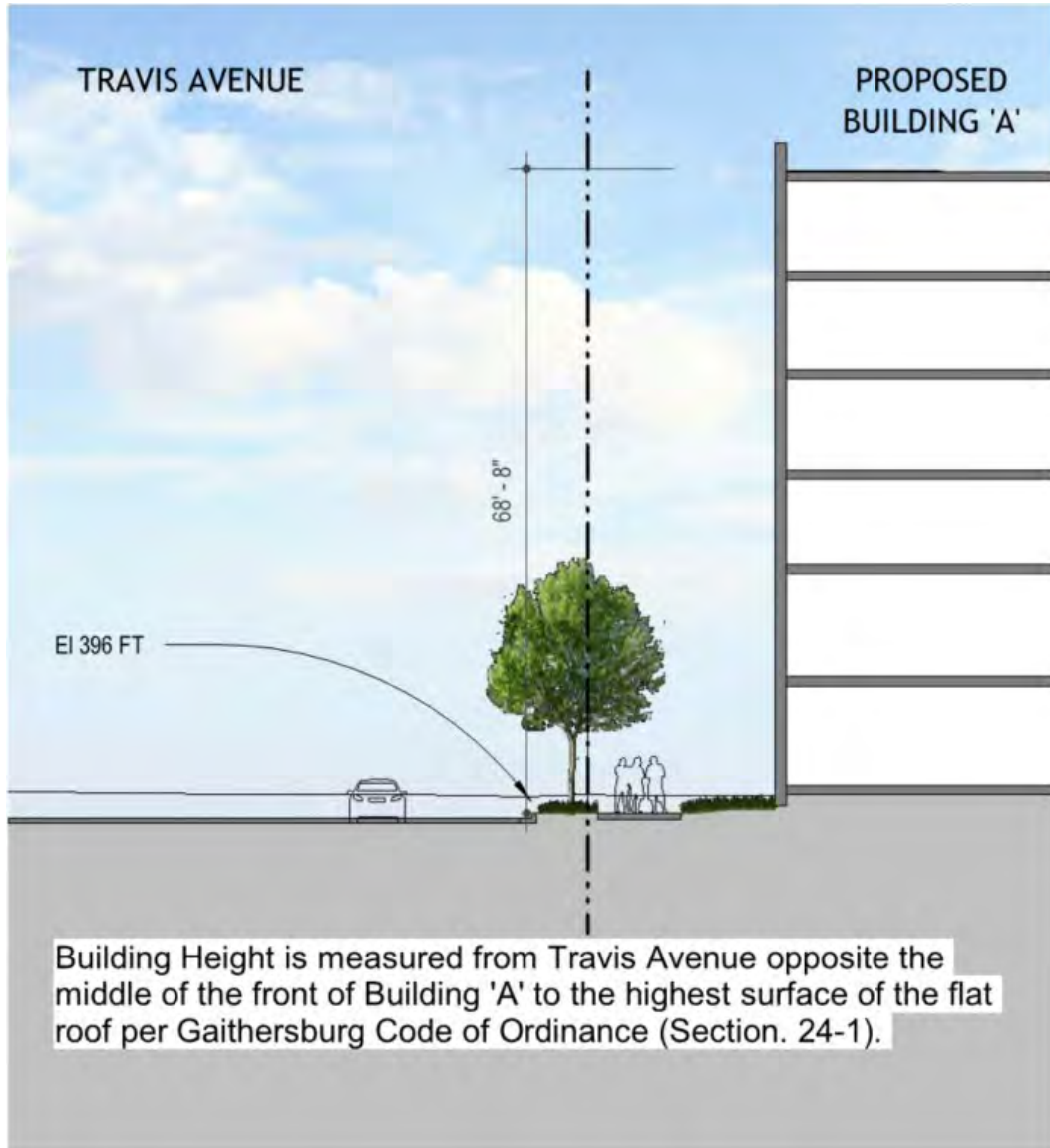
The Property is included within the Northern Employment District of the Corridor Plan, which has a height limit of 6 stories not to exceed 65 feet. Under Section 24-160G.5.(a)(4), the City Council may waive the height requirement for an employment district to allow a height not to exceed 8 stories or 90 feet. Due to existing topographical conditions on the Property, the Applicant requests a waiver to allow for a building height that exceeds 65 feet (but is significantly less than 90 feet), as calculated based on the definition of building height from the City Code.¹

The waiver request is as follows: The Property is generally flat ranging in elevation from 400-408 feet. Buildings A and B are 5 stories and approximately 60 feet tall when observed along the proposed New Street A. Building B is located on the flatter portion of the site and has a consistent building height of 5 stories. Building A is located where there is an abrupt transition in the grade and will have the perceived height of 6 stories facing Frederick Avenue and Travis Avenue where the site grade is lowest.

The building height of Building A as measured from Travis Avenue at the midpoint of the building front is 68’8” (see height exhibit below). The Travis Avenue frontage was selected as the measuring point due to the building front being parallel to and within proximity of the right-of-way. This single measurement point is an anomaly and does not address the complexity of the local topography.

¹ *Building height.* The vertical distance measured from the level of approved street grade opposite the middle of the front of building to the highest point of roof surface of a flat roof, to the deck line of a mansard roof, and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; except, that if a building is located on a terrace, the height above the street grade may be increased by the height of the terrace. In the case of a building set back from the street line thirty-five (35) feet or more, the building height is measured from the average elevation of finished ground surface along the front of the building. On corner lots exceeding twenty thousand (20,000) square feet in area, the height of the building may be measured from either adjoining curb grade. For lots extending through from street to street, the height may be measured from either curb grade; provided, that the maximum height permitted on the lower street shall extend back from such street not less than one hundred fifty (150) feet.

At the lowest elevation point to Building A (northwest facing facade of the building), the building height is approximately 76 feet measured from the adjacent grade. The lowest portion of Building A has a deep setback of 133 feet from the right-of-way truncation at the intersection. This setback from the intersection will help mitigate the perception of the additional height of this building.



The average building height of Building A accounting for all corners of the building is approximately 65 feet. This average factors in both the 5-story portion of the building facing New Street A and the remaining 6-story portion of the building facing other directions.

Thus, the Applicant requests a height waiver of 76 feet from the lowest elevation point to allow some flexibility. The height waiver meets the required findings under Section 24-160G.5(b), as follows:

- (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.*

The Project will provide landscaping, a plaza area, open space, and other green areas on a developed site in which there are very few, if any, existing amenities. Additionally, the Project will provide important affordable housing units, which is a public amenity.

- (2) *The additional height is necessary to implement the master plan and a specific land use plan for Gaithersburg or attract an appropriate and compatible type or caliber of user.*

The proposed height is generally consistent with the applicable Master Plan height limit. The Northern Employment District allows a height limit of 6 stories. The Project does not exceed 6 stories. The additional height is necessary simply to account for the 65-foot height limit, and to account for the topography on the Property and how building height is measured under the City Code. In addition, the Project will be best in class for each of the proposed uses and therefore needs to include sufficient floor to ceiling heights for the commercial and retail uses as well as suitable ceiling heights for the residential uses.

- (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.*

The additional height is compatible with existing and proposed adjacent land uses and will not detrimentally impact any adjoining properties. The proposed height is similar to the height of the existing Spectrum Apartments development across Frederick Avenue. There are no existing buildings or uses directly across Travis Avenue that will be impacted.

For these reasons, the Applicant asks the City Council to grant a modest height waiver as allowed under Section 24-160G.5.(a)(4).

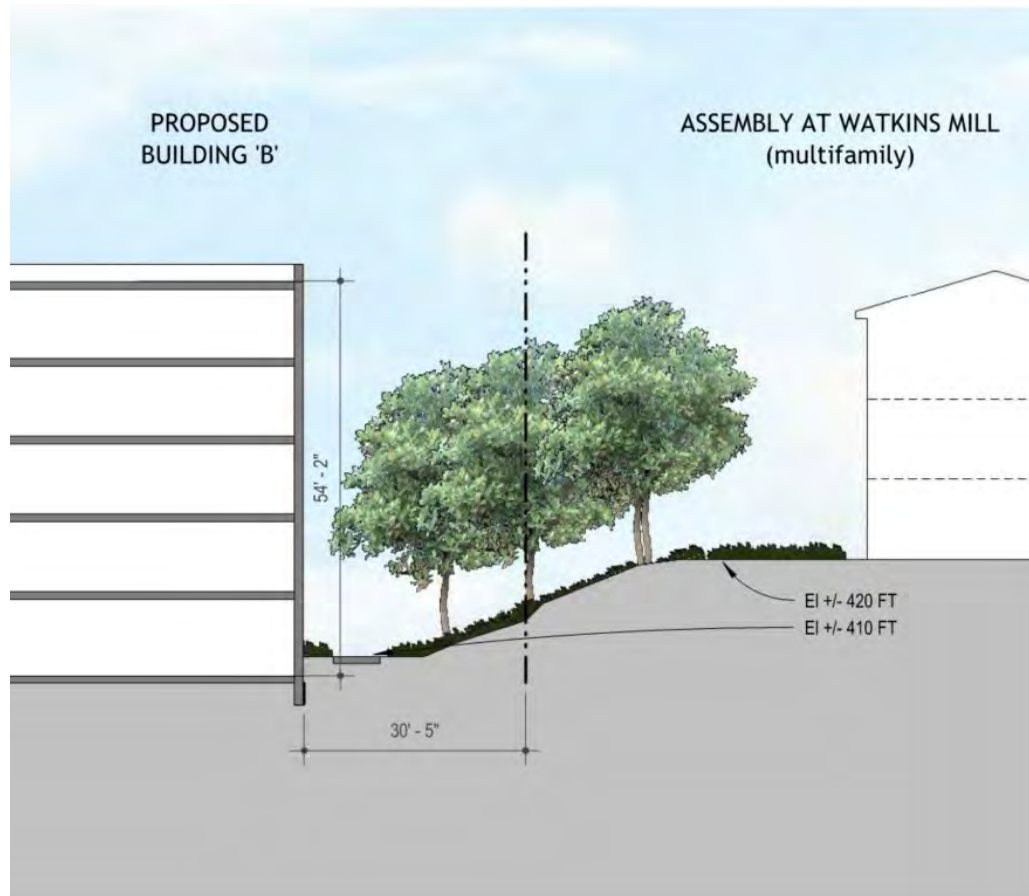
(b) Building and structure placement.

The buildings will be sited to front the public streets. Retail, plazas and seating areas will be oriented towards the Frederick Avenue corridor. A parallel frontage street along Frederick Avenue will provide convenient retail parking and access to parking and service facilities. This street will be landscaped to mitigate the visual impact of the extra roadway while providing shade and comfort for retail patrons.

Residential entries will be oriented to the proposed Street A. This strategy will provide convenient residential drop-off where the site is relatively level. Quality architectural detail, fenestration, character, patterns, and colors will skin the building on all sides seen from the public. Building B's service area will be located away from the public view. Building A's service areas will be enclosed within the building and screened by doors integrated into architectural language to reduce the presence of the service area along Street A and frontage road parallel to Frederick Avenue. A site wall, grade transition and landscape material will provide a buffer between the Building A's retail and service area.

(c) *Building and/or structure setbacks.*

The Project will comply with these requirements. The proposed buildings are not located in an existing or planned right-of-way, and the buildings will meet the minimum setback requirements. The garage of Building B is located at a minimum of 30 feet from the adjoining property line with the Assembly Watkins Mill neighborhood to the east. This buffer will be densely planted to provide adequate screening between properties. The section below shows the relationship of Building B to the adjoining property.



(d) Building design.

The applicable Corridor Plan does not include any specific design theme and criteria for the Property. The proposed architecture and Project design will be compatible with neighboring properties and will comply with these provisions. Retail storefronts will be oriented towards Frederick Avenue or internal Street A. Both buildings will be designed with four-sided architecture in mind so that they are attractive from various vantage points.

(e) Parking and access.

The Applicant engaged Wells and Associates to perform a preliminary traffic operations and site access study. The study includes an assessment of the three proposed access points located on Travis Avenue. The study address traffic forecasts for 2024 conditions based on existing traffic counts, regional growth, pipeline development traffic, adjustments for removal of existing shopping center, and site trip assignments. The study concludes that the proposed site access points would operate at acceptable levels for peak traffic periods. It also concludes that the spacing of the intersections and resultant queuing are expected to operate at acceptable levels of service. Please refer to the Wells and Associate Study for full details.

Following the Concept Plan phase, the Project will refine the parking based on the specific uses. The two buildings are configured to accommodate all of the residential parking within the footprint of the parking structure in each building, and there will be retail surface parking and street parking spaces along Street A consistent with the City of Gaithersburg Road Code. In addition, there is surface parking provided along the southwest edge of the Concept Plan which is essential to attract and keep commercial and retail viable in this location. Commercial and retail uses rely on the appearance and function of accessible and easy parking. This proposed condition will require a waiver at Final Site Plan under Sec. 24-160G.4(e) to allow parking in front of the front building line. The plan does provide generous open space between the back of the existing sidewalk to the edge of frontage street. The Project will otherwise comply with the City parking requirements contained in Section 24-219(b) and the additional parking standards from this section.

(f) Streetscape and signage.

No specific design criteria are specified for the Property in the Corridor Plan. Following the Concept Plan phase the Project will refine and detail the streetscape and signage plans consistent with the uses, neighborhood context, and code requirements.

(g) Buffers.

The Project is an almost triangular shape and bound by North Frederick Avenue and Travis Avenue as well as the neighboring Assembly Watkins Mill apartment community. Special attention will be given to how the Project adjoins the public areas. There will be opportunities for strong landscaping and building design to create

transitions. There is currently a strong tree line separating the Project from Assembly Watkins Mill to the east, and the Project includes additional plantings to further buffer the properties. The rear loading area of the Property currently faces Assembly Watkins Mill, but the newly designed building will be a vast improvement over the back of the existing retail buildings.

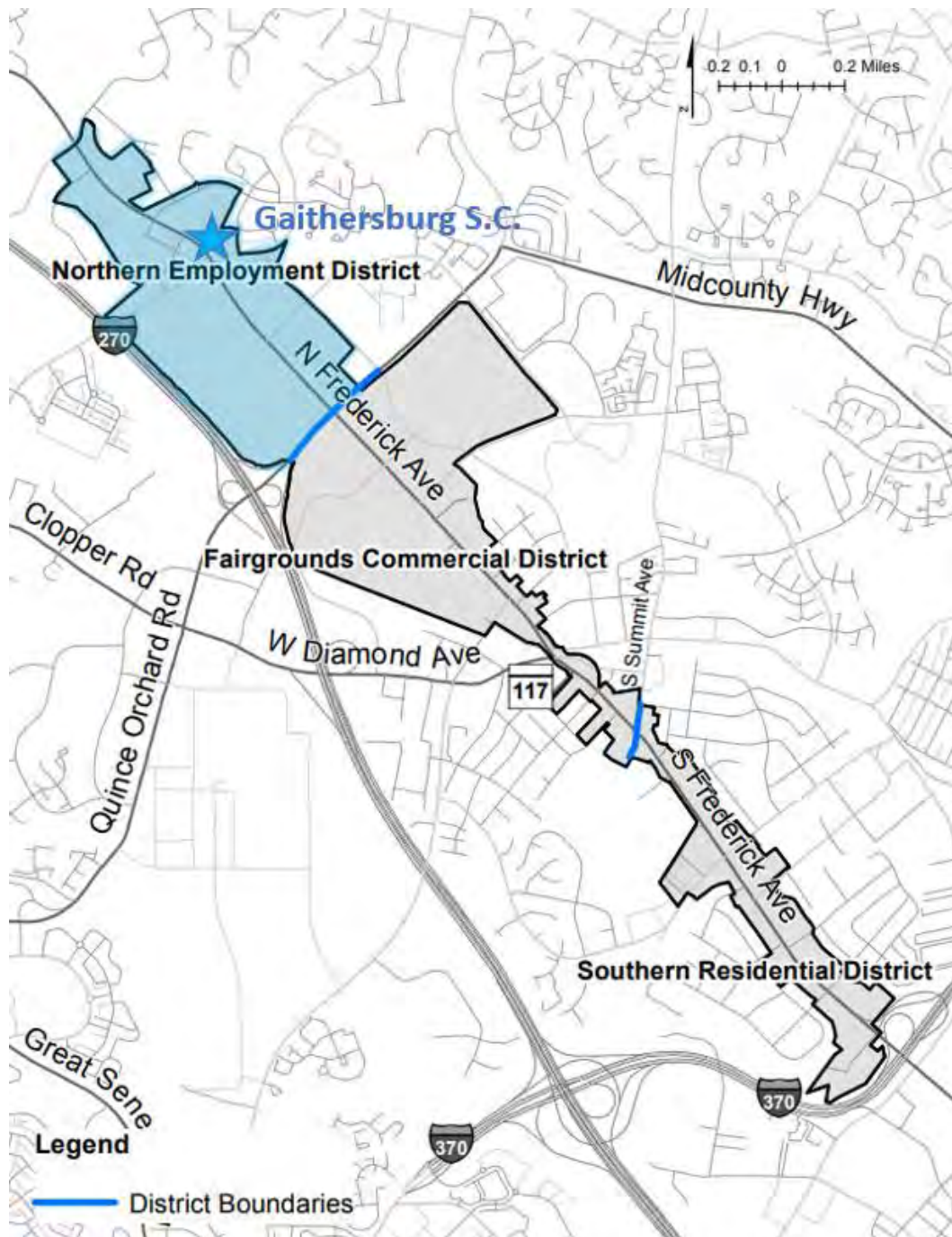
Conformance with the Master Plan - Section 24-160G.7(a)(2)

The applicable City Master Plan outlines a good framework for the Corridor; however, it is more than 10 years old, and office, commercial, and retail dynamics are changing quickly. The 2020 Coronavirus Pandemic punctuated and accelerated changing market dynamics. As required by Section 24-160G.7(a)(2), the Application is in accord with the recommendations in the applicable Master Plan for the area and is consistent with any special conditions or requirements contained in said master plan.

The Property is included in the 1997 Neighborhood Six Land Use Plan (Study Area 1).² The 1997 Plan generally reconfirmed the commercial land use designation.

The Property also is in the area designated as the Northern Employment District in the adopted 2001 Frederick Avenue Corridor Land Use Plan (“Corridor Plan”). The Corridor Plan provides that “All land use designations and zoning recommendations made in the 1997 Neighborhood Six Land Use Plan are reconfirmed. However, all parcels are required to adhere to the *Frederick Avenue Corridor Plan* development requirements” (page 16). Additionally, the Corridor Plan includes the Property in the areas encouraged to be rezoned to the CD Zone. The Corridor Plan states: “[P]roperties along the Corridor that are not undergoing a change in land use are eligible for subsequent comprehensive rezoning to the new CD Zone. 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 [Corridor Plan]” (page 4).

² “A significant retail development within the study area was the construction in 1989 of the 8.77-acre Hechinger’s Square shopping center with gross leasable area of 86,942 square feet on land previously owned by the City of Gaithersburg. New development and redevelopment must focus on sound principles and practices of urban design with renewed emphasis on pedestrian orientation of sites, usable and attractive street lights, additional shade trees, improved sidewalks, accessible crosswalks, and well-located bus shelters, among other ingredients.” 1997 Plan, page 7.



Additionally, the Property is specifically identified as a map designation in the adopted 2009 Land Use Element of the Master Plan. The Property is identified as “Hechinger Property/Great Beginnings,” and the 2009 Plan provides, as follows:

“This 8.8-acre property contains an older shopping center with a large amount of surface parking. Its location along the Frederick Avenue corridor makes it appropriate for redevelopment in the future. As part of the Northern Employment District of the Frederick Avenue Corridor, several land use options are applicable. A mixed-use project with an emphasis on Commercial and Office uses with a small residential

component would retain the employment base and provide a small number of new housing opportunities. The existing commercial use could be expanded with additional office development or uses, increasing the employment base for the City.

Applicable Strategic Direction: Planning, Economic, Housing Land

Use and Zoning Actions:

Scenario A

- Adopt Mixed Use land use designation
- Recommend zoning change from C-2 to CD, MXD, or a future zone that facilitates a mix of uses and incorporates sustainable development standards

Scenario B

- Retain Commercial-Office land use designation
- Zoning remains C-2” (pages 30-31).

This Application and Project are consistent with these Master Plan goals and provisions by proposing to rezone the Property from C-2 to CD and by proposing redevelopment with a mix of uses that incorporates sustainable development standards (“Scenario A”). The Property is in the area designated as the Northern Employment District in the Corridor Plan. The Property is specifically identified as a map designation in the adopted 2009 Land Use Element of the Master Plan. The Property is squarely located in the areas within the Corridor Plan encouraged to be rezoned to the CD Zone. Therefore, this Application is consistent with the Master Plan by requesting to rezone the Property from the C-2 Zone to the CD Zone.

The proposed rezoning will bring the Property more in line with the neighboring community and development across Frederick Avenue. As noted in Section II above (Background for Requests), the market is driving reduced demand for commercial, retail, and office uses in certain locations and an increased demand for housing. The City also has recognized its important role in meeting regional housing goals. As such, the Project rebalances the uses and incorporates market appropriate amounts of each use. The proposed redevelopment is in keeping with the scale, building heights, and mix of land uses of the existing Spectrum neighborhood across Frederick Avenue. Given market conditions and the surrounding residential uses, the Property is more suitable for more residential and less office. The proposed Project will support the City’s expected population growth and need for affordable housing. Additionally, it will offer neighborhood serving retail that complements existing retail businesses and supports residents along the corridor.

Compatibility with Surrounding Area - Section 24-160G.7(a)(3)

As required by Section 24-160G.7(a)(3), the Application and Concept Plan will be internally and externally compatible and harmonious with the existing and planned landuses in the CD zoned areas and adjacent areas.

The proposed redevelopment is in keeping with the scale, building heights, and mix of land uses of the existing Spectrum neighborhood across Frederick Avenue. The proposed project will offer neighborhood serving retail and services that complements existing retail businesses and supports residents along the corridor. Planted buffers will be provided between the Assembly Watkins Mill and this redevelopment. The Building B will transition its massing and building edge to be more open towards Travis Avenue where the context becomes more residential.

V. Findings for Concept Plan Approval

The Applicant requests approval of the proposed Concept Plan. The Application meets the requirements for Concept Plan approval provided in Section 24-160G.7(b), as follows:

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

The Project 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. The proposed plan will meet the development standards of the CD Zone, as explained above. Conceptual architecture has been submitted as part of this Application, and should the Application be approved, plans will be refined further at later stages and will be compatible with the surrounding area. Retail and project signage will comply with current regulations. Street lighting and streetscape design will take into consideration existing context, regulations, and guidelines.

(2) The plan meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone;

As explained in Section IV above, the proposed Project meets the applicable purposes, objectives, development standards, and requirements of the CD 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;

As described in Section IV of this Statement above, the proposed Project is substantially in accord with the Master Plan recommendations.

- (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;*

As discussed in Section IV above, the Project is 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;*

The existing public facilities are adequate to serve the proposed Project, in conformance with the City's Adequate Public Facilities Ordinance (Sec. 24-243-248).

Section 24-245 Traffic impact study standards.

The Applicant engaged Wells and Associates to perform a preliminary traffic operations and site access study. The study includes an assessment of the three proposed access points located on Travis Avenue. The study address traffic forecasts for 2024 conditions based on existing traffic counts, regional growth, pipeline development traffic, adjustments for removal of existing shopping center, and site trip assignments. The study concludes that the proposed site access points would operate at acceptable levels for peak traffic periods. It also concludes that the spacing of the intersections and resultant queuing are expected to operate at acceptable levels of service. Please refer to the Wells and Associate Study for full details.

As the Project progresses through the development review process, the Applicant's transportation consultant will submit a formal Traffic Impact Study in accordance with the City's Traffic Impact Study Standards and Regulations. The full Traffic Impact Study will comprehensively evaluate existing transportation facilities, projected trip generation, access, and circulation.

Section 24-246 Adequacy of school capacity

School capacity will be evaluated later in the development review process. Currently, the schools that serve this location include Watkins Mill Elementary, Montgomery Village Middle School, and Watkins Mill High School. Based on the City's FY21 analysis, school capacity exists to support residential development in this location.

Section 24-247 Water and Sewer Service

The Property is currently served by both water and sewer service. The Property is located on WSSC Map 225NW10.

Section 24-248 Fire and emergency services

The Property is currently served by at least two fire and rescue stations within 10 minutes (County Fire and Rescue Stations 8 and 34).

(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;

The Project could be constructed in one or two phases. The Project is designed to accommodate a multi-phase redevelopment with the potential of preserving existing retailers in place. The phasing is flexible depending on current leases and contracts between the retail tenants and property ownership. The phasing schedule will be refined as the designs advance.

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

The redevelopment of this aging shopping center into a mixed-use neighborhood will add to the vitality and attractiveness of the northern end of the Frederick Avenue Corridor. The redevelopment adds green space and public areas on what is currently a vast surface parking lot. The addition of mixed-use residential will provide a critical mass of pedestrians to support the businesses proposed in this development as well as the established business along the Corridor and particularly across Frederick Avenue. The addition of residential uses also will support the City's expected population growth and need for additional housing, particularly affordable housing. The site design will be inviting for pedestrians and provide additional connectivity between Travis Avenue and Frederick Avenue.

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

Not applicable. There are no structures on the Property that must be referred to the City Historic District Commission for review, prior to demolition.

VI. Community Outreach

During the visioning and design process the Applicant has reached out to neighbors in adjacent and nearby communities to share the proposed rezoning and Concept Plan and receive input. Outreach efforts and meetings are listed below, and the Applicant will continue conversations with community members.

- Lakeforest Glen: Presented at management company meeting on April 21, 2021 at 6 pm
- Montgomery Meadows: Presented at the Board meeting on April 8, 2021 at 7 pm
- Old Carriage Hill: reached out 4 times, no response as of this writing
- Woodland Hills: waiting for confirmation from management company for meeting date
- Village Overlook: Presented at the Board meeting on March 18, 2021 at 6 pm
- Windbrooke: reached out to the new management company (started in February 1,

2021) 2 times, no response yet

- Village Overlook IIA: Presented at the Board meeting on March 17, 2021 at 6 pm
- Village Overlook IIB: reached out 3 times, no response as of this writing
- Assembly Watkins Mills: reached out 5 times, no response as of this writing

VII. Conclusion

The proposed rezoning and Concept Plan for the Property are consistent with the Master Plan recommendations, fulfill the purposes and requirements of the CD zone, and are compatible with existing surrounding uses. The opportunity to redevelop the Property presents an opportunity to create a vibrant mixed-use development. The Concept Plan application is in the public interest and can be approved without any adverse impact on the surrounding properties or public facilities. The Applicant is excited about the opportunity to fulfill the Property's potential and requests approval in order to realize this plan. If you have any questions or need any additional information, please do not hesitate to contact us. Thank you very much for your favorable consideration.

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