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## PLANNING COMMISSION RECOMMENDATION

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REPORT DATE: February 25, 2022

RESPONSIBLE STAFF: Laura Mehfoud,  
Long Range Planner

**RECOMMENDATION MEETING DATE**

March 2, 2022

**APPLICATION NUMBER**

Z-8911-2021

**SUMMARY OF REQUEST**

The applicant, KIMCO Realty, has submitted Amendment to Zoning Map application Z-8911-2021, to rezone 18501 N Frederick Ave from the C-2 (General Commercial) zone to the CD (Corridor Development) zone in accordance with § 24-160G.6(a) "Application for the CD Zone and concept plan approval" of the City Code. This application was submitted in conjunction with Concept Site Plan application SP-8910-2021.

**APPLICANT**

KIMCO Realty

**SUBJECT PROPERTY ADDRESS**

18501 North Frederick Ave

**ZONE**

C-2 to CD

**STAFF RECOMMENDATION**

**Staff recommends that the Planning Commission, based upon the findings presented herein and the evidence in the record, recommend approval of Z-8911-2021 to the Mayor & City Council.**

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Approve

Approve With Conditions

Deny

Defer

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**Enclosures:**

Staff Analysis

Staff Presentation

Index of Memoranda (Exhibits in **BOLD**)

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**MEMORANDUM TO:** Mayor and City Council  
Planning Commission

**FROM:** Laura Mehfoud, Long Range Planner

**DATE:** February 25, 2022

**SUBJECT:** Consolidated Staff Analysis:  
Applications Z-8911-2021 (rezoning) and SP-8910-2021 (concept plan)  
**18501 North Frederick Avenue**

**APPLICANT**

KIMCO Realty  
1954 Greenspring Drive  
Timonium, MD 21903

**OWNER**

McCormick Realty Limited Partnership  
1954 Greenspring Drive  
Timonium, MD 21903

**TAX MAP REFERENCE:**

Tax Sheet: FT 33

**LEGAL REFERENCE:**

Plat: 17371  
Parcel A, Hechinger Property

**TAX ACCOUNT NUMBER:**

16-09-02835786

## REQUEST

The Applicant, KIMCO Realty, has submitted Amendment to Zoning Map application Z-8911-2021, to rezone a 382,078 square foot (8.77 acre) parcel from the C-2 (General Commercial) zone to the CD (Corridor Development) zone, along with the associated Concept Site Plan SP-8910-2021, in accordance with § 24-160G.6(a) "Application for CD Zone and concept plan approval" of the City Code. In support of these requests, the Applicant has included a Request and Justification Statement entitled "Statement in Support of Joint Zoning Map Amendment and Concept Plan Applications."<sup>1</sup>

The subject property (the "Property" or "Site") is located at 18501 North Frederick Avenue.



Location

<sup>1</sup> Exhibit Z02/C02

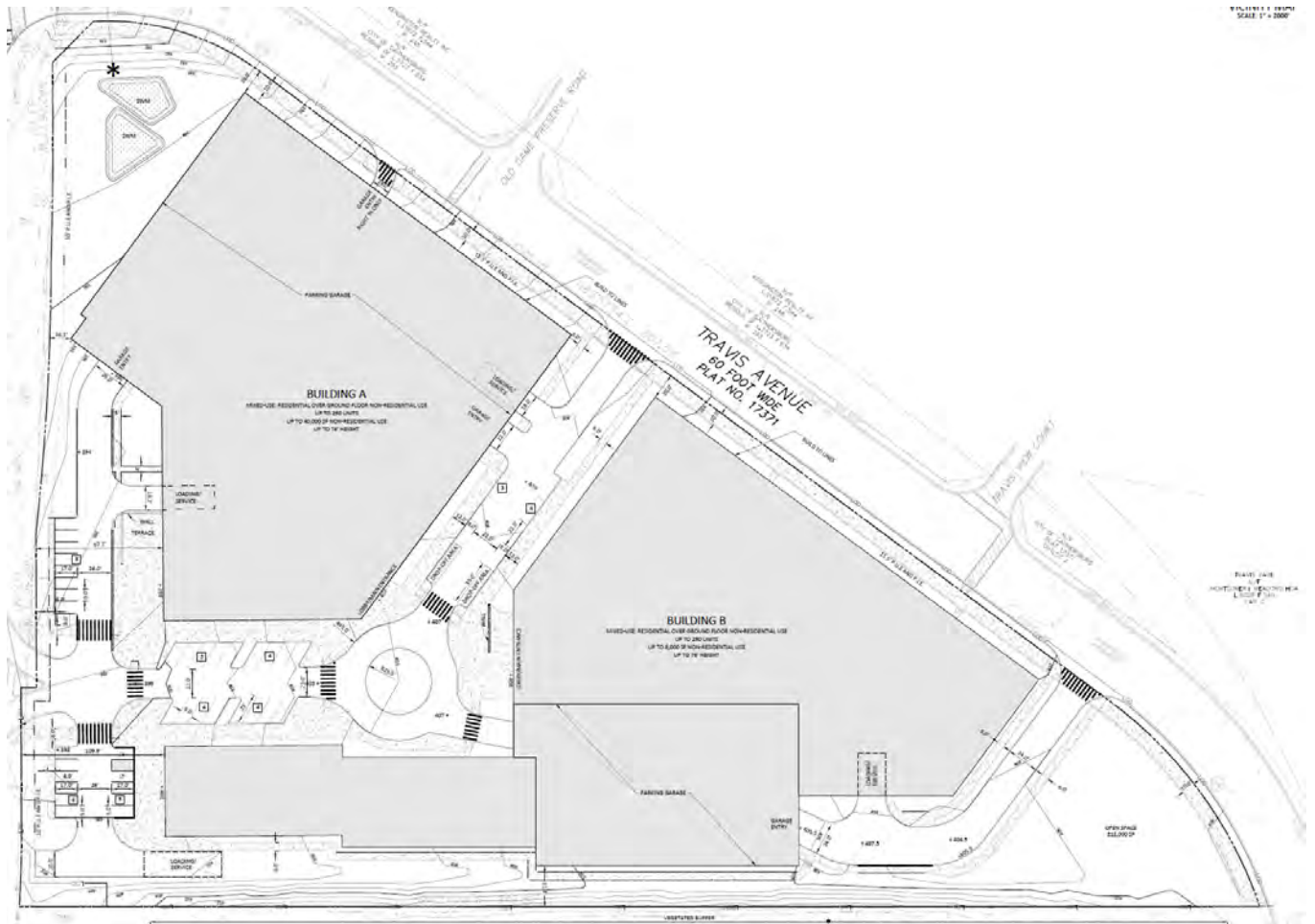
## **GENERAL INFORMATION**

### **LOCATION:**

The Property is a triangular shape bounded by Travis Avenue to the north, North Frederick Avenue to the south, and The Point at Watkins Mill subdivision to the east. Spectrum at Watkins Mill is located directly across North Frederick Avenue, and the PEPCO transmission lines are located across Travis Avenue. For a detailed description of the zoning and site plan history of the Property, refer to the Preliminary Background Report.<sup>2</sup>

### **Z-8911-2021 ZONING MAP AMENDMENT AND SP-8910-2021 CONCEPT PLAN PROPOSAL:**

As stated, the Applicant has submitted an application seeking to change the zoning of the Property from the C-2 (General Commercial) zone to the CD (Corridor Development) zone and to establish a concept plan, in accordance with § 24-160G.6(a).



Concept Site Plan, Exhibit C11

<sup>2</sup> Exhibit Z16/C24

Staff notes that a concept plan is meant to lay the foundational framework for future site development plans. Concept plans show proposed uses and layouts, locations of buildings, roads, parking and open space as well as conceptual architecture, but they do not include as much detail or engineering as a schematic development plan. Site details will be further refined with subsequent preliminary and final site plans.

The concept plan proposes two mixed-use buildings with multi-family residential above up to 48,000 square feet of ground floor commercial and office uses. Allowable non-residential uses include:

### **NON-RESIDENTIAL POTENTIAL USES**

- Integrated light manufacturing
- Retail stores and businesses
- Banks
- Office
- Restaurants
- Personal service businesses (i.e. beauty parlors, barbershops, dry-cleaning)
- Animal hospitals, animal boarding places and pet shops
- Child and/or Adult Day Care Center
- Educational institutions, private
- Private clubs, lodges, fitness centers and amusement and recreational facilities
- Repair and business services
- Research, experimental or testing laboratories

The buildings will be up to 6 stories tall and contain up to 580 residential units total, 290 per building. The development will be served by one primary street that connects North Frederick Avenue to Travis Avenue, with a traffic circle midway. The primary street has right-in/right-out access from North Frederick Avenue and full access from Travis Avenue. The garage for Building A has a right-in entry from Travis Avenue, with two additional entry/exit points interior to the Site. The garage for Building B has entry/exit access from Travis Avenue and interior to the Site off of the traffic circle. The commercial/office uses will be concentrated along the portion of the development fronting North Frederick Avenue and the primary street up to the traffic circle. Most parking will be provided in parking garages with a few “teaser” spaces in front of the commercial/office uses. Ample sidewalk and plaza space will serve the ground floor commercial/office uses, and an additional 18,000 square feet of open space is provided in the northern corner of the Property along Travis Avenue. While the concept site plan only shows build-to lines, the Applicant’s Request and Justification Statement describes proposed courtyards for each building that will provide additional open and amenity space. Pedestrian connections are provided throughout the Site, with connections to the existing sidewalk along North Frederick Avenue and a new, larger sidewalk replacing the existing one along Travis Avenue.

### **Z-8911-2021 ZONING MAP AMENDMENT AND SP-8910-2021 CONCEPT PLAN PUBLIC HEARING AND RESPONSE:**

A consolidated joint public hearing before the Mayor and City Council and the Planning Commission was held on January 18, 2022<sup>3</sup>. During the course of the hearing, the Applicant presented an overview of the proposed plan, including the following aspects:

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<sup>3</sup> Exhibit Z21/C29

- Current conditions and the Property’s context and relation to the greater surrounding area
- The 2009 Master Plan recommendations for the Property and how the proposed rezoning and concept plan comply, including how the proposed concept plan rebalances proposed uses for a more sustainable development
- Background for the request, including why they are proposing to redevelop and how a different balance of uses is more appropriate due to:
  - Changing consumer demands and rise of e-commerce
  - Increased demand for housing
  - Changing office dynamics
- An overview of the proposed concept plan, including uses, general building design, pedestrian and vehicular circulation, and green space
- Reasons for a height waiver request and compatibility of height with adjacent development
- Conceptual architecture and renderings illustrating the vision for the Site

During the joint public hearing, the Mayor and City Council, Planning Commission and public asked several questions regarding the proposed plan, including:

- Timing of redevelopment
- Connectivity with surrounding development, in particular pedestrian connectivity
- Potential amenities for residents and neighbors
- Status of existing tenants
- Connectivity and integration of green space
- Activation of pedestrian realm
- Acknowledgement of this Site as a gateway into the City
- Potential for activation of proposed open area at the corner of MD 355 and Travis Ave

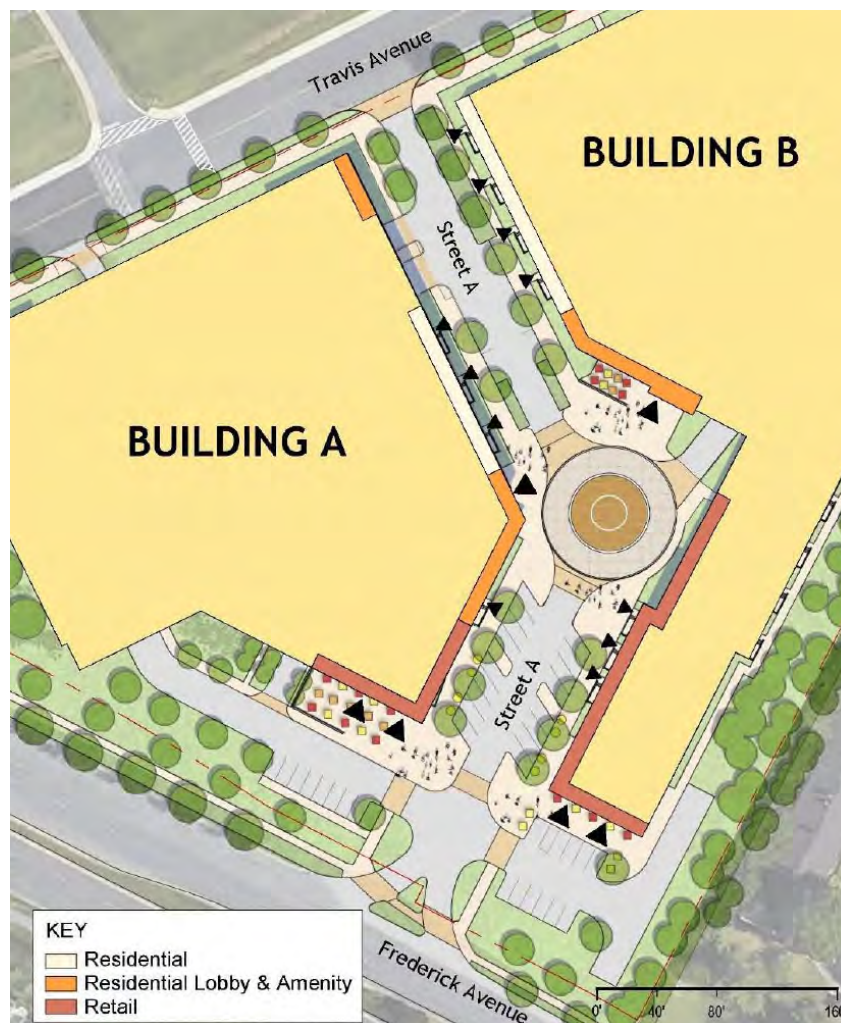
The Applicant has submitted a separate supplementary statement responding to the comments raised during the joint public hearing.<sup>4</sup> Below is a summary of the major points in the response statement:

- 2009 Master Plan Compliance
  - Reiterated that the proposed plan complies with 2009 Master Plan Land Use Element
  - Noted that the Master Plan discusses a smaller residential component but does not define “small.” The proposed mix of uses brings in office and is “more sustainable and appropriate under the current development conditions.”
  - Noted that the concept plan and rezoning comply with the specific zoning and land use recommendations listed in the Plan and “reflect the intent of the Land Use Element’s narrative.”
- Timing and Phasing
  - Noted the need to honor existing leases while positioning the Site for future success
  - Noted anticipating 3-4 years of additional entitlements, followed by tenant negotiations and construction potentially starting in 2028

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<sup>4</sup> Exhibit Z19/C27

- Pedestrian Connectivity
  - Explained proposed improvements to the sidewalk along Travis Avenue and open courtyards of Building B facing Travis Avenue to provide a better pedestrian experience and connection between North Frederick Ave and the new northern park
  - Noted willingness to work with all neighbors and SHA to enhance connectivity across MD 355, including connections to any future BRT facilities
  - Explained activation of different sections of Street A:
    - Ground floor retail and commercial uses
    - Residential lobbies, leasing offices and amenity areas will be activated through a “high percentage of glazing and multiple entry points”
    - Ground floor residential units will be activated through “front doors and stoops” along the street



*Street A Program Plan, Exhibit Z20/C28*

- Amenities and Green Space
  - Noted that green space is provided “at both ends of the Property along Travis Avenue and will be connected by an improved pedestrian realm and residential

amenity courtyards along Travis Avenue....” The northern park space will include plantings and walking paths.

- Noted that amenities for the residential buildings “will be equivalent with Class A multi-family buildings,” and may include things such as fitness center, pet care facilities, and bicycle storage, in addition to the proposed building courtyards.
- Gateway Corner
  - Explained that the open space at the intersection of MD 355 and Travis Ave is “envisioned to have a landscaped rain garden with enhanced pedestrian connectivity amongst the green infrastructure” that will create a “signature gateway landscape experience.”
  - The following graphic shows a conceptual plan for the space, which will be further refined with subsequent submissions.



*Travis and Frederick Open Space Concept, Exhibit Z20/C28*

Additional exhibits submitted along with the response letter are included as Exhibit Z20/C28.

Following the joint public hearing and prior to the closing of the Planning Commission record at 5:00 p.m. on February 18, 2022 staff received one email regarding the proposed project that asked about the City’s stormwater management requirements<sup>5</sup>.

## **STAFF FINDINGS ANALYSIS AND RECOMMENDATIONS**

### **ZONING MAP AMENDMENT Z-8911-2021 FINDINGS:**

Approval of Zoning Map Amendment Z-8911-2021 by the City Council is dependent upon the findings required under §24-160G.7(a) of the City Code. The following outlines the required findings and justifications for a City Council approval of Zoning Map Amendment application Z-8911-2021:

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

***(a) The City Council may approve CD zoning by local map amendment only upon finding that:***

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

➤ ***Section 24-160G.1. – Purpose***

***(a) Encourage 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.***

Staff concurs with the Applicant’s Statement that application Z-8911-2021 complies with this purpose of the CD Zone because it is “consistent with the goals and provisions of the respective Master Plan,” namely the 2009 Master Plan Land Use Element, which recommends rezoning the Property to CD or MXD and adopting a mixed-use land use designation.

The application will convert “an underutilized shopping center and surface parking into a vibrant, well designed, quality architecture, mixed-use project,” thus enhancing the economic vitality of the corridor and improving the quality of life of residents through the provision of new housing, commercial uses and amenity spaces. The proposed balance of uses will “create greater sustainability long-term” and contribute to a “greater tax base.”<sup>6</sup>

***(b) Create a more attractive and cohesive development pattern and to enhance the city’s sense of place through the creation of individual character associated with the corridor in the applicable corridor master plan.***

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<sup>5</sup> Exhibit Z17/C25

<sup>6</sup> Exhibit Z02/C02, pages 6-7

Staff concurs with the Applicant's Statement that application Z-8911-2021 complies with this purpose of the CD Zone as "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 proposed design complements existing development across Frederick Avenue, and locates a "new commercial core along Frederick Avenue," while providing residential uses "above and back toward Travis Avenue which transitions effectively to the nearby residential communities." A signature landscaped gateway with public art is envisioned for the corner of MD 355 and Travis Avenue. Additionally, high-quality architecture and materials will create a "strong street-level experience," thus enhancing the unique character of the Property.<sup>7</sup>

*(c) Encourage development and redevelopment and renovation of declining or underutilized properties along the corridor.*

The application as proposed converts an underutilized retail center with ample surface parking into a vibrant "mixed-use community with a defined commercial core." As noted in the Applicant's Statement, "traditional retail and office dynamics are changing", and this Site is more suitable for a mix of uses, including residential, with a smaller neighborhood-scaled commercial component. The proposed mix of uses will complement the existing development across Frederick Avenue and the immediate area.<sup>8</sup>

*(d) Encourage the use of consistent, compatible and attractive architecture, streetscape and visual themes.*

Staff concurs with the Applicant's Statement that application Z-8911-2021 complies with this purpose of the CD Zone as the conceptual architecture will be compatible and attractive, with "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." The proposed design and materials will articulate "focal corners, building entrances and important terminating views" and contribute to a "welcoming and visually appealing pedestrian street." The buildings will be constructed of durable, quality materials with enhanced materials and contrasting color schemes used to highlight "signature corners and bays."<sup>9</sup>

*(e) Create a streamlined process for zoning and plan approvals.*

An approved rezoning and concept plan provides the foundational framework for all subsequent plans, thereby streamlining future approvals.

*(f) Provide an appropriate scale of development and mix of retail, service, employment and residential uses as recommended in the applicable corridor plan.*

The Property is identified as a map designation in the 2009 Master Plan Land Use Element. The Master Plan recommends rezoning the Property to CD or MXD and adopting a mixed-use land use designation. The descriptive narrative in the Master Plan states that several

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<sup>7</sup> Exhibit Z02/C02, page 7

<sup>8</sup> Exhibit Z02/C02, page 7

<sup>9</sup> Exhibit Z02/C02, page 8

land use options are applicable for this Site, and then discusses a mixed-use development with a smaller residential component and larger commercial and office component. However, the narrative does not define “small” and does not give specific development numbers. The application proposes a mix of neighborhood-scaled office and commercial uses on the ground floor with residential above. The proposed project redevelops an underutilized site and integrates office into a mixed-use development as intended by the descriptive narrative in the master plan. The proposed scale of development complements existing mixed-use development across MD 355, and provides neighborhood-serving goods and services for nearby residents.

➤ *Section 24-160G.2. – Uses allowed*

All uses proposed on the application are allowed in the CD Zone. The CD Zone allows all uses listed as permitted and not solely as special exceptions or conditional uses in all zoning districts, except for those specifically prohibited. The application proposes the following allowable uses, in addition to residential:

- Integrated light manufacturing
- Retail stores and businesses
- Banks
- Office
- Restaurants
- Personal service businesses
- Animal hospitals, animal boarding places and pet shops
- Child and/or adult day care center
- Educational institutions, private
- Private clubs, lodges, fitness centers and amusement and recreational facilities
- Repair and business services
- Research, experimental or testing laboratories

All of these uses are listed as permitted in at least one other zoning district in the City.

➤ *Section 24-160G.3. - Minimum location requirements*

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

This Property is included as a map designation in the 2009 Master Plan Land Use Element. The 2009 Plan recommends rezoning the Property from C-2 to either MXD or CD.<sup>10</sup>

*(b) When undertaking new development or redevelopment in the CD Zone, all uses identified for specific areas or properties within the land use element of a corridor development master plan shall be applied in those areas specified, unless otherwise approved by the mayor and city council within the context of a schematic development plan or concept site plan.*

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<sup>10</sup> Exhibit Z05

The uses proposed on the concept plan comply with those uses recommended in the 2009 Master Plan Land Use Element. The 2009 Master Plan recommends a mix of commercial, office and residential uses. The concept plan proposes multi-family residential uses as well as the commercial and office uses listed previously under *Section 24-160G.2*.

➤ *Section 24-160G.4. – Development standards*

As noted in their Statement, the Applicant is applying for a height waiver to allow a building height of up to 76 feet. The permitted height is 65 feet, or up to 90 feet with a waiver per City Code section 24-160G.5.(4). Height waiver request findings are discussed later on pages 12-13. The application meets all building placement and setback requirements, with a setback of 30 feet from the adjacent residential development, exceeding the 15 foot minimum requirement. This setback allows ample room for a planted buffer between the existing residential uses and the new development. All other development standards not applicable at the time of concept site plan will be addressed through subsequent plans.

(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*

As previously mentioned, this Property is identified as a map designation in the 2009 Master Plan Land Use Element. The map designation has three components: a zoning recommendation, a land use recommendation, and a descriptive narrative. The Master Plan recommends rezoning the Property to CD or MXD and adopting a mixed-use land use designation. Application Z-8911-2021 complies with these recommendations by rezoning to CD and proposing a mix of commercial, office and residential uses. The descriptive narrative states that several land use options are applicable for this Site, and then discusses a mixed-use development with a smaller residential component and larger commercial and office component. However, the narrative does not define “small” and does not give specific development numbers. As the narrative does not include special conditions, the Planning Commission has discretion over whether or not the application is in accord with the master plan. The Applicant has proposed two mixed-use buildings with multi-family residential above ground-floor commercial and office uses. Staff concurs with the Applicant’s Statement that the proposed balance of uses “incorporates market appropriate amounts of each use,” will “support the City’s expected population growth and need for affordable housing,” and will complement existing nearby development with the provision of neighborhood-serving goods and services.<sup>11</sup> The proposed project redevelops an underutilized site and integrates office into a mixed-use development as intended by the descriptive narrative. Additionally, the concept plan submitted with this application shows only build-to lines, which may skew the relative size of the residential component as proposed courtyards and shared parking garages are not clearly outlined at this stage. Staff concurs with the Applicant’s opinion that this application is in accord with the zoning and land use recommendations for the Site as well as the intent and vision for the Site as described in the descriptive narrative.

In addition, the proposed development meets the following strategies and objectives in the City’s adopted FY 2022 Annual Strategic Plan:

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<sup>11</sup> Exhibit Z02/C02, page 17

### Economic Development

- Promote rezoning of parcels that exhibit strong development and redevelopment potential in accordance with the Master Plan.
- Facilitate appropriate private and public investment in existing and new affordable housing.

### Planning and Development

- Encourage high quality, aesthetically appealing development that adheres to City objectives for sustainable growth.

### Housing

- Seek opportunities for redevelopment, acquisition and priority upgrades that improve aging, underutilized and functionally obsolete properties.

*(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.*

Staff concurs with the Applicant's Statement that application Z-8911-2021 is compatible and harmonious with the surrounding existing and planned land uses. As discussed in the Statement, "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." A 30 foot setback and planted buffer will be provided between this project and the adjacent residential development. The project will provide ground floor commercial uses along Frederick Avenue and interior to the Site, while transitioning to residential along Travis Avenue as it changes to a more neighborhood residential context. An enhanced sidewalk with green strip will be provided along Travis Avenue, facilitating pedestrian connections to the Site from neighboring properties.<sup>12</sup>

### **HEIGHT WAIVER FINDINGS:**

The CD Zone has limits on height in both stories and feet. This Property is in the northern employment district, which permits a building height of up to 6 stories or 65 feet by-right. Neither building as proposed will exceed 6 stories in height, but due to the topography of the Site, Building A will measure up to 76 feet in height from the lowest elevation point. The Applicant is thus requesting a waiver from the development standards of § 24-160G.4(a)(3). Approval of a height waiver for SP-8910-2021 by the City Council is dependent upon the findings required under § 24-160G.5(b) of the City Code. The following outlines the required findings and justifications for a City Council approval of the height waiver:

#### *Section 24-160G.5 – Waiver of Development Standards*

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

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<sup>12</sup> Exhibit Z02/C02, page 18

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

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

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

Staff concurs with the Applicant's Statement that application SP-8910-2021 meets this finding because the project adds "landscaping, a plaza area, open space, and other green areas" to a developed site with ample surface parking and little to no green areas.<sup>13</sup> Additional height allows a smaller building footprint, thereby leaving more space available for amenities. The project will improve pedestrian amenities by enhancing the sidewalk along Travis Avenue, enlarging it and providing a green buffer between the sidewalk and the street. This enhanced sidewalk will provide connection to a new passive park on the northern corner of the Property. The corner of MD 355 and Travis serves as a gateway into the City, and the project proposes a "signature gateway landscape experience with public art,"<sup>14</sup> which will greatly enhance the area.

*(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; and*

The project does not exceed the 6 story height limit, only the 65 foot height limit. The additional height is necessary due to the unique topography of the Site. In addition, the Master Plan recommends a mixed-use development for the Site, and as noted in the Applicant's Statement, "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."<sup>15</sup>

*(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.*

Staff concurs with the Applicant's Statement that the additional height will be compatible with existing and proposed adjacent land uses. As noted in the Statement, "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."<sup>16</sup> Additionally, there is at least a 30' planted buffer between the proposed development and the adjacent residential uses, as well as a grade change so the existing adjacent residential uses sit up higher, making any differences in height

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<sup>13</sup> Exhibit Z02/C02, page 11

<sup>14</sup> Exhibit Z20/C28

<sup>15</sup> Exhibit Z02/C02, page 11

<sup>16</sup> Exhibit Z02/C02, page 11

appear minimized. An exhibit on page 13 of the Applicant's Statement illustrates this height difference.

### **CONCEPT PLAN SP-8910-2021 FINDINGS:**

Approval of Concept Plan SP-8910-2021 by the City Council is dependent upon the findings required under § 24-160G.7(b) of the City Code. The following outlines the required findings and justifications for a City Council approval of concept site plan application SP-8910-2021:

#### *Sec. 24-160G.7. – Findings Required*

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

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

Staff notes that while the City Council has not adopted design guidelines for the Frederick Avenue Corridor, the Applicant has included conceptual architectural elevations that demonstrate “consistent, compatible, and attractive architecture.” The buildings will be designed with “four-sided architecture” with an emphasis on “retail storefronts and residential lobbies creating a welcoming and visually appealing pedestrian street.” Further, the Applicant notes that “signage will comply with current regulations,” and “street lighting and streetscape design will take into consideration existing context, regulations, and guidelines.”<sup>17</sup>

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

#### *➤ Section 24-160G.1. – Purpose*

*(g) Encourage 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.*

Staff concurs with the Applicant's Statement that application SP-8910-2021 complies with this purpose of the CD Zone because it is “consistent with the goals and provisions of the respective Master Plan,” namely the 2009 Master Plan Land Use Element, which recommends rezoning the Property to CD or MXD and adopting a mixed-use land use designation.

The application will convert “an underutilized shopping center and surface parking into a vibrant, well designed, quality architecture, mixed-use project,” thus enhancing the economic vitality of the corridor and improving the quality of life of residents through the provision of new

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<sup>17</sup> Exhibit Z02/C02, pages 8, 13, 18

housing, commercial uses and amenity spaces. The proposed balance of uses will “create greater sustainability long-term” and contribute to a “greater tax base.”<sup>18</sup>

*(h) Create a more attractive and cohesive development pattern and to enhance the city's sense of place through the creation of individual character associated with the corridor in the applicable corridor master plan.*

Staff concurs with the Applicant’s Statement that application SP-8910-2021 complies with this purpose of the CD Zone as “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 proposed design complements existing development across Frederick Avenue, and locates a “new commercial core along Frederick Avenue,” while providing residential uses “above and back toward Travis Avenue which transitions effectively to the nearby residential communities.” A signature landscaped gateway with public art is envisioned for the corner of MD 355 and Travis Avenue. Additionally, high-quality architecture and materials will create a “strong street-level experience,” thus enhancing the unique character of the Property.<sup>19</sup>

*(i) Encourage development and redevelopment and renovation of declining or underutilized properties along the corridor.*

The application as proposed converts an underutilized retail center with ample surface parking into a vibrant “mixed-use community with a defined commercial core.” As noted in the Applicant’s Statement, “traditional retail and office dynamics are changing”, and this Site is more suitable for a mix of uses, including residential, with a smaller neighborhood-scaled commercial component. The proposed mix of uses will complement the existing development across Frederick Avenue and the immediate area.<sup>20</sup>

*(j) Encourage the use of consistent, compatible and attractive architecture, streetscape and visual themes.*

Staff concurs with the Applicant’s Statement that application SP-8910-2021 complies with this purpose of the CD Zone as the conceptual architecture will be compatible and attractive, with “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.” The proposed design and materials will articulate “focal corners, building entrances and important terminating views” and contribute to a “welcoming and visually appealing pedestrian street.” The buildings will be constructed of durable, quality materials with enhanced materials and contrasting color schemes used to highlight “signature corners and bays.”<sup>21</sup>

*(k) Create a streamlined process for zoning and plan approvals.*

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<sup>18</sup> Exhibit Z02/C02, pages 6-7

<sup>19</sup> Exhibit Z02/C02, page 7

<sup>20</sup> Exhibit Z02/C02, page 7

<sup>21</sup> Exhibit Z02/C02, page 8

An approved concept plan provides the foundational framework for all subsequent plans, thereby streamlining future approvals and allowing the Applicant to move forward as market conditions and lease terms allow.

*(l) Provide an appropriate scale of development and mix of retail, service, employment and residential uses as recommended in the applicable corridor plan.*

The Property is identified as a map designation in the 2009 Master Plan Land Use Element. The Master Plan recommends rezoning the Property to CD or MXD and adopting a mixed use land use designation. The descriptive narrative in the Master Plan states that several land use options are applicable for this Site, and then discusses a mixed-use development with a smaller residential component and larger commercial and office component. However, the narrative does not define “small” and does not give specific development numbers. The application proposes a mix of neighborhood-scaled office and commercial uses on the ground floor with residential above. The proposed project redevelops an underutilized site and integrates office into a mixed-use development as intended by the descriptive narrative in the master plan. The proposed scale of development complements existing mixed-use development across MD 355, and provides neighborhood-serving goods and services for nearby residents.

➤ *Section 24-160G.2. – Uses allowed*

All uses proposed on the application are allowed in the CD Zone. The CD Zone allows all uses listed as permitted and not solely as special exceptions or conditional uses in all zoning districts, except for those specifically prohibited. The application proposes the following allowable uses, in addition to residential:

- Integrated light manufacturing
- Retail stores and businesses
- Banks
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- Restaurants
- Personal service businesses
- Animal hospitals, animal boarding places and pet shops
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- Educational institutions, private
- Private clubs, lodges, fitness centers and amusement and recreational facilities
- Repair and business services
- Research, experimental or testing laboratories

All of these uses are listed as permitted in at least one other zoning district in the City.

➤ *Section 24-160G.3. - Minimum location requirements*

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

This Property is included as a map designation in the 2009 Master Plan Land Use Element. The 2009 Plan recommends rezoning the Property from C-2 to either MXD or CD.<sup>22</sup>

*(b) When undertaking new development or redevelopment in the CD Zone, all uses identified for specific areas or properties within the land use element of a corridor development master plan shall be applied in those areas specified, unless otherwise approved by the mayor and city council within the context of a schematic development plan or concept site plan.*

The uses proposed on the concept plan comply with those uses recommended in the 2009 Master Plan Land Use Element. The 2009 Master Plan recommends a mix of commercial, office and residential uses. The concept plan proposes multi-family residential uses as well as the commercial and office uses listed previously under *Section 24-160G.2*.

➤ *Section 24-160G.4. – Development standards*

As noted in their Statement, the Applicant is applying for a height waiver to allow a building height of up to 76 feet. The permitted height is 65 feet, or up to 90 feet with a waiver. Height waiver request findings are discussed on pages 12-13. The application meets all building placement and setback requirements, with a setback of 30 feet from the adjacent residential development, exceeding the 15 foot minimum requirement. This setback allows ample room for a planted buffer between the existing residential uses and the new development. All other development standards not applicable at the time of concept site plan will be addressed through subsequent plans.

*(3) The plan is in accord with the area master plan and any accompanying special condition or requirements contained in said master plan for the area under consideration; and*

As previously mentioned, this Property is identified as a map designation in the 2009 Master Plan Land Use Element. The map designation has three components: a zoning recommendation, a land use recommendation, and a descriptive narrative. The Master Plan recommends rezoning the Property to CD or MXD and adopting a mixed-use land use designation. Application Z-8911-2021 complies with these recommendations by rezoning to CD and proposing a mix of commercial, office and residential uses. The descriptive narrative states that several land use options are applicable for this Site, and then discusses a mixed-use development with a smaller residential component and larger commercial and office component. However, the narrative does not define “small” and does not give specific development numbers. As the narrative does not include special conditions, the Planning Commission has discretion over whether or not the application is in accord with the master plan. The Applicant has proposed two mixed-use buildings with multi-family residential above ground-floor commercial and office uses. Staff concurs with the Applicant’s Statement that the proposed balance of uses “incorporates market appropriate amounts of each use,” will “support the City’s expected population growth and need for affordable housing,” and will complement existing nearby development with the provision of neighborhood-

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<sup>22</sup> Exhibit Z05

serving goods and services.<sup>23</sup> The proposed project redevelops an underutilized site and integrates office into a mixed-use development as intended by the descriptive narrative. Additionally, the concept plan submitted with this application shows only build-to lines, which may skew the relative size of the residential component as proposed courtyards and shared parking garages are not clearly outlined at this stage. Staff concurs with the Applicant's opinion that this application is in accord with the zoning and land use recommendations for the Site as well as the intent and vision for the Site as described in the descriptive narrative.

(4) The plan will be internally and externally compatible and harmonious with existing and planned land uses in the CD zoned area and adjacent areas; and

Staff concurs with the Applicant's Statement that application SP-8910-2021 is compatible and harmonious with the surrounding existing and planned land uses. As discussed in the Statement, "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." A 30 foot setback and planted buffer will be provided between this project and the adjacent residential development. The project will provide ground floor commercial uses along Frederick Avenue and interior to the Site, while transitioning to residential along Travis Avenue as it changes to a more neighborhood residential context. An enhanced sidewalk with green strip will be provided along Travis Avenue, facilitating pedestrian connections to the Site from neighboring properties.<sup>24</sup>

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

Staff concurs with the Applicant's Statement that application SP-8910-2021 meets this finding by satisfying the City's Adequate Public Facilities Ordinance (APFO) for, fire response time, water and sewer service. Three fire stations, Stations 8, 29, and 34, provide a 10-minute response time for this Property. The Property is currently served by public water and sewer and has WSSC categories of S-1 and W-1. The City's Traffic Impact Study regulations do not require the submission of a Traffic Impact Study at the time of concept plan. The Applicant will submit a Traffic Impact Statement at the time of preliminary site plan. The Applicant has, however, included a preliminary traffic operations and site access study from Wells and Associates<sup>25</sup> to address vehicular access and movements along Travis Avenue. 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."<sup>26</sup> This Property is served by Watkins Mill Elementary, Montgomery Village Middle School, and Watkins Mill High School. Further school capacity analysis will be conducted at preliminary site plan per Code section 24-246.

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<sup>23</sup> Exhibit Z02/C02, page 17

<sup>24</sup> Exhibit Z02/C02, page 18

<sup>25</sup> Exhibit C15

<sup>26</sup> Exhibit Z02/C02, page 19

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

Staff concurs with the Applicant's Statement that application SP-8910-2021 has adequate public facilities and private amenities to service the proposed development.

As noted in the Statement, "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." Amenities will be further refined at later stages, but the proposed development includes ample plaza space and green space where none currently exist, as well as enhanced pedestrian infrastructure to serve the new commercial and residential uses.<sup>27</sup>

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

Staff concurs with the Applicant's Statement that application SP-8910-2021 is in the public interest because it proposes redeveloping an "aging shopping center into a mixed-use neighborhood" which will "add to the vitality and attractiveness of the northern end of the Frederick Avenue Corridor." The Applicant notes that this Site serves as an important gateway into the City, and thus proposes a "high quality level of design" to "celebrate this gateway corner." The redevelopment will add amenities, such as "green space and public areas" to "what is currently a vast surface parking lot." The inclusion of residential uses will "support the City's expected population growth and need for additional housing, particularly affordable housing." Additionally, the design will be "inviting for pedestrians and provide additional connectivity between Travis Avenue and Frederick Avenue."<sup>28</sup>

In addition, the proposed development meets the following strategies and objectives in the City's adopted FY 2022 Annual Strategic Plan:

Economic Development

- Promote rezoning of parcels that exhibit strong development and redevelopment potential in accordance with the Master Plan.
- Facilitate appropriate private and public investment in existing and new affordable housing.

Planning and Development

- Encourage high quality, aesthetically appealing development that adheres to City objectives for sustainable growth.

Housing

- Seek opportunities for redevelopment, acquisition and priority upgrades that improve aging, underutilized and functionally obsolete properties.

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<sup>27</sup> Exhibit Z02/C02, page 20

<sup>28</sup> Exhibit Z02/C02, pages 5, 20

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

Staff notes that this finding is not applicable to application SP-8910-2021, since the buildings were constructed less than 50 years ago and currently are neither designated historic nor part of a designated historic district.

## **STAFF RECOMMENDATION**

Staff is supportive of the subject Z-8911-2021 and SP-8910-2021 applications and associated height waiver. The Z-8911-2021 zoning map amendment application is in conformance with the adopted 2009 Master Plan Land Use Element, which recommends rezoning the Property to CD or MXD. Staff is supportive of the Applicant's argument that the SP-8910-2021 concept plan application is in conformance with the 2009 Master Plan. The proposed plan provides for a more sustainable mix of uses given market and lifestyle changes since the adoption of the 2009 Plan, and integrates office into a mixed-use development as envisioned in the written narrative portion of the map designation. The proposed plan converts an underutilized shopping center into a more vibrant, walkable, mixed-use community that will create an attractive gateway into the City. The provision of housing will support the City's projected future population growth, and the Site will provide new amenities and green space where none currently exist.

**Staff recommends that the Planning Commission, based upon the evidence in the record and the findings presented in the staff analysis, recommend approval of Zoning Map Amendment Z-8911-2021 to the Mayor and City Council with no conditions.**

**Staff recommends that the Planning Commission, based upon the evidence in the record and the findings presented in the staff analysis, recommend approval of the § 24-160G.5 height waiver to the Mayor and City Council.**

**Staff recommends that the Planning Commission, based upon the evidence in the record and the findings presented in the staff analysis, recommend approval of Concept Plan SP-8910-2021 to the Mayor and City Council with no conditions and without the need to submit a subsequent schematic development plan.**