

CITY OF GAITHERSBURG
31 South Summit Avenue
Gaithersburg, Maryland

**PLANNING COMMISSION OPINION
AND RESOLUTION APPROVING**

CONCEPT SITE PLAN SP-9149-2021,
FOR THE CONSTRUCTION OF TWO (2) MULTIFAMILY BUILDINGS AT
9, 11, 13, AND 15 PARK AVENUE AND 201 BROOKES AVENUE,
ZONED CENTRAL BUSINESS DISTRICT (CBD)

SP-9149-2021

OPINION

Concept Site Plan (SP) SP-9149-2021 ("Application") for the subject properties at 9, 11, 13, and 15 Park Avenue and 201 Brookes Avenue, Gaithersburg, Maryland 20877 ("Properties"), which are zoned Central Business District (CBD), has come before the Planning Commission for approval. This proceeding constitutes an action pursuant to the City Zoning Ordinance, Chapter 24 of the City of Gaithersburg Code, § 24-170 that permits the Planning Commission to review and approve a site development plan only after making certain findings. This subject case concerns the development of two (2) multifamily buildings on the Properties at the southeast corner of Park and Brookes Avenues on parcels that total 1.65 acres. Buildings are present on 9, 11 and 15 Park Avenue and 201 Brookes Avenue. The property at 13 Park Avenue is a vacant lot.

OPERATIVE FACTS

A. Background

The Properties are located on the original 1894 plat of Gaithersburg in the Russell and Brookes Addition. A plat of subdivision for the lot at 13 Park Avenue was recorded in 2009 with R-1211.

All the Properties have been zoned CBD (Central Business District) since they were comprehensively rezoned (Z-282) in 1997. From the early 1980s to 1997, 15 Park Avenue and 201 Brookes Avenue were zoned R-B (Residential Buffer), and 9, 11, and 13 Park Avenue were zoned C-2 (General Commercial). From the mid-1970s to the early 1980s, 15 Park Avenue was zoned R-O (Planned Residential), 201 Brookes Avenue was R-20 (Medium Density Residential), and 9, 11, and 13 Park Avenue were zoned C-2 (General Commercial).

B. Current Application

On December 21, 2021, SMBW and Haris Design ("Applicants") submitted an application for Concept Site Plan SP-9149-2021. The Application proposes to build two (2) multifamily buildings totaling 151 units.

A City-owned alley bisects the two (2) buildings. The Application will dedicate 10 feet of right of way along Park Avenue at the properties currently addressed as 9 and 15 Park Avenue to create a 31-foot wide Commercial Service Road. The main entrances to both buildings will be along Park Avenue at the Commercial Service Road entrance.

Building A at the southeast corner of Brookes and Park Avenues will according to the Application stand four (4)-stories tall and measure 61,091 square feet. It will contain 50 single bedroom units and 19 double bedroom units. A 42-space partially covered parking lot will be located on the ground floor and will be accessible to vehicles via the Commercial Service Road. Building B along Park Avenue south of the Commercial Service Road will stand four (4)-stories tall and measure 78,187 square feet. It will contain 60 single bedroom units and 22 double bedroom units. A 140-space parking garage will include two (2) levels, one of which will be below grade.

On June 8, 2022, the Gaithersburg Department of Public Works approved Concept Stormwater Management application SWM-9194-2022 and Concept Sediment and Erosion Control Plan SEC-9193-2022.

In accordance with § 24-231 of the City Code, the HDC reviewed the potential historic or architectural significance of the four (4) existing buildings at 9, 11, and 15 Park Avenue and 201 Brookes Avenue at its June 22, 2022, and July 27, 2022, meetings. The HDC approved a resolution at its August 24, 2022, meeting to petition the Mayor and City Council for the historic designation of 9, 11, 13, and 15 Park Avenue and 201 Brookes Avenue as an historic district and 9 and 15 Park Avenue and 201 Brookes Avenue as individual sites. The City Council voted not to accept the HDC's petition at its October 3, 2022, meeting. The HDC provided Courtesy Review comments on the Application at its October 26, 2022, meeting.

The Planning Commission held its first public meeting on SP-9149-2021 at its December 7, 2022, meeting. Planner Berger provided an introduction, and Spencer Grice of SMBW and Shakil Siddiqui of Haris Design gave a presentation. At that meeting, the Applicants proposed 180 units with 182 parking spaces in two (2) multifamily buildings. Building A was, as proposed at that meeting, to measure four (4) stories tall, and Building B was to measure five (5) stories tall. The commissioners provided comments on building height, traffic, parking, density, amenities, neighborhood compatibility, and architectural details. Seventeen people commented on the Application. A majority of the comments pertained to concerns with the building heights, project density, parking, traffic, safety, and green space.

The Planning Commission deferred final action on the Application until February 1, 2023, to allow the Applicants to meet with local residents and revise the plans to address the Commissioners' comments. The Applicants organized a public meeting held on the evening of January 24, 2023, in the City Hall Gallery for interested community members. At its February 1, 2023, meeting, the Planning Commission at the Applicants' request deferred the Application until May 3, 2023, to provide additional time to revise the plans.

At its May 3, 2023, meeting, the Planning Commission reviewed the revised Application. Changes included the reduction of Building B from five (5) stories to four (4) stories; the addition of entryways to the ground floor units; the increased set back of both buildings along Park Avenue; the addition of a community room; and the addition of a dog wash station. Planner Berger provided an introduction, and Lisa Clark of SMBW and Haris Siddiqui of Haris Design gave a presentation.

Many of the Commissioners' questions related to traffic, and Engineering Services Division Chief Fields detailed the City's positions. He said the City reviewed the Applicants' traffic statement, which included trip generation numbers from the Institute of Transportation Engineers (ITE) Manual, for the proposed and existing uses based on maximum occupancy. He said this project received trip generation reductions based on proximity to public transit, so the trip generation may have been lower than a development of similar size not located near transit. Division Chief Fields said the development would increase traffic at the peak morning and afternoon hours that would be noticeable to nearby residents. However, he said it would not be significant with respect to the overall traffic numbers in Olde Towne, and it did not meet the threshold in the City's Traffic Impact Study Standards to require a full traffic impact study from the Applicants. He said the numbers will be reviewed again as part of the Preliminary and Final Site Plan. Division Chief Fields noted a recommended condition of approval that will require the Applicants to conduct an engineering analysis of all modes of traffic at the Brookes and Park Avenues intersection as part of the Preliminary Site Plan. He noted the Applicants may be responsible for traffic improvements depending on the results of the analysis. He added that the City is concerned about the speed of existing traffic on Park and Brookes Avenues and was collecting speed and traffic volume data on those roads and other nearby intersections to determine if mitigation should be implemented. The Commissioners expressed a desire for a broader traffic study of Olde Towne to better facilitate future development.

The Commissioners also discussed building compatibility. They found satisfactory the concept architecture in terms of height, massing, and design. They said the development must not over burden the existing built environment in terms of infrastructure, access, and safety. They expressed concern with the impact on pedestrians and sought additional details along the streetscape at Preliminary and Final Site Plan. The Commissioners noted the new development, with the additional setback in

the revised Concept Site Plan, will add additional people to the street and a green edge along the building face. They encouraged the Applicants to better secure the parking garage. The Planning Commission sought clarification from Staff on how Sec. 24-160F.4(b)(2) for the 15-foot setback is applied in regard to existing buildings with windows on abutting properties.

As the project progresses in the future to Preliminary and Final Site Plan review, the Planning Commission expressed the desire for the Applicants to explore the incorporation of additional unit types beyond the one (1) and two (2)-bedrooms proposed with SP-9149-2021. They particularly sought the addition of three (3)-bedroom units, a type lacking in the City rental market according to the draft Housing Element of the Gaithersburg Master Plan.

The Commissioners asked the Applicants what assurances will be given that the community will be able to access the proposed amenities such as the pool and fitness center and urged the Applicants to formalize and finalize those details as part of the Final Site Plan application.

The Planning Commission noted that while the Application met the applicable regulations, concept plans are an early step in the planning process with additional details to be finalized as part of later site plan reviews.

Thirty-six members of the public commented on the application. Those in favor generally stated that the project would benefit Olde Towne by adding more residents close to existing businesses and transportation. Those opposed to the project expressed concern with the compatibility of the project with the surrounding residential properties and the additional traffic and safety issues the project would create.

At the conclusion of the meeting for SP-9149-2021, the Planning Commission voted unanimously to approve the Application, subject to adoption of a written resolution capturing the details of the decision, and directed Staff to draft a resolution of approval.

C. Evaluation and Findings

The Planning Commission, upon careful review of the evidence of record, agrees with the findings and conclusions by City Staff for Concept Site Plan SP-9149-2021. The Planning Commission finds those recommendations to be well reasoned and adopts and incorporates their findings as part of this action. The Planning Commission further agrees with City Staff in that the procedures governing the applications and approvals necessary to seek building permits are subject to a multi-step process and that this is only one of several steps of the process, which subsequently includes Preliminary and Final Site Plan reviews and approvals.

In reviewing the Application and considering the evidence in the record for SP-9149-2021, the Planning Commission finds that the Application meets the submission requirements and the standards and requirements for approval of the subject Concept Site Plan, as set forth in § 24-169(a) of the City Code.

Furthermore, the Planning Commission finds from the evidence in the record that the Application as currently amended, fulfills the general conditions required under § 24-170 of the City Code because the Application will not:

- a. Adversely affect the health or safety of persons residing in or working on the land in question or in the neighborhood thereof.

The Applicants provided a Traffic Statement to address concern that the project would exacerbate traffic in the area. While not required at the concept plan stage, the Traffic Statement was reviewed by the City's Public Works Engineering Services Division Chief Fields for conformance with the City's Traffic Impact Study Standards. As noted in the Traffic Statement, the project will generate an additional 22 AM peak hour trips and 17 PM peak hour trips compared to the existing conditions. This increase is less than the 30 peak hour threshold that would require a full Traffic Impact Study per the City's Standards for Preliminary and Final Site Plan approval. However, a condition of the Concept Site Plan approval is that the Applicants must provide a traffic safety and operational analysis of the Park and Brookes Avenues intersection for submission with the Preliminary Site Plan, and improvements, if necessitated by the results of the analysis, will be implemented accordingly to improve the intersection's safety. Further, while the traffic statement is acceptable at the Concept Site Plan stage, the traffic findings will be reviewed again as part of the Preliminary and Final Site Plan pursuant to the City's Traffic Impact Study Standards.

The construction of a segment of the Commercial Service Road and consolidation of the five (5) conflict points at the existing driveways along Brookes and Parks Avenues should be an improvement of the current conditions.

The approximately 425 feet of sidewalk to be installed along Park Avenue will meet multiple outcomes of the City's 2022 Strategic Plan in that it will increase access and integration among residential, employment, and amenity nodes, and it will enhance safe pedestrian connectivity within Olde Towne. Unlike the existing sidewalk along the west side of Park Avenue, the proposed sidewalk will be buffered from the street by an at least six (6)-foot wide landscape and furniture zone where street trees will be planted and benches will be installed. Its connection to the Brookes Avenue sidewalk will provide sidewalk connectivity that will improve access and integration within Olde Towne and will provide a safe pedestrian route for children who may walk to school.

The proposed street trees, canopies, and arcades along the street fronts will provide a nearly continuous overhead cover from the elements for pedestrians, and street

furniture will provide places for people to rest. The trees, combined with the proposed vegetation at the base of the buildings, will also provide a more attractive streetscape and soften the visual effect of the buildings on their surroundings. The project will be subject to a Forest Conservation Plan, which will be a required submission as part of the Final Site Plan. The bioretention areas and green planting strips scattered throughout the site will provide ample places for ground cover to grow, particularly along Brookes and Park Avenues.

- b. Be detrimental to the public welfare or adversely affect the use or development of adjacent or surrounding properties.

The Application meets a number of the City's desires, as specified in the draft Housing Element of the Gaithersburg Master Plan. This includes the addition of more housing to maintain the City's population growth; steps toward decreasing the gap between rent prices and median incomes; reduction of the number of City residents who are housing cost burdened; and the construction of more new housing east of I-270.

Instead of requiring the installation of costly public infrastructure, the development will utilize existing transportation, utility, and sewer networks to increase the density of a downtown area near existing public transit stops, including the Gaithersburg MARC Station that is 0.2 miles away. The microbioretention facilities will be a vast improvement from the current lack of stormwater management infrastructure at the Properties. The facilities will gather and treat rainwater before it enters the City's storm drains and will help further the City's goals to improve water quality in local streams, rivers, and the Chesapeake Bay. The stormwater enhancements further the outcomes described in the City's 2022 Strategic Plan in the area of Environmental Stewardship and Sustainability.

The sewer improvements and construction of the Commercial Service Road and sidewalk along Park Avenue will encourage future development of adjacent and surrounding properties.

- c. Constitute a violation of any provisions of this chapter or any other applicable law, regulation or ordinance.

The Application meets all applicable laws, regulations, and ordinances. This includes the Gaithersburg City Code; the Olde Towne Master Plan; and the Olde Towne District Design Guidelines; the City's Strategic Plan, and the draft Housing Element of the Gaithersburg Master Plan.

The properties are located in the CBD (Central Business District) Zone, and the proposed plan meets the purposes of the zone detailed under § 24-160F.1 in an effort to enhance Olde Towne. The project will increase density and intensity of use; return a vacant lot to active use; be located close to transit; add pedestrian and vehicular access amenities; and combine five (5) long and narrow lots into two (2) lots, each containing a

multifamily building and associated parking. The multifamily use is allowed under § 24-160F.2. The Application also meets the development standards under § 24-160F.4 for building height and setbacks.

The 2005 Olde Towne District Master Plan recommends a significant increase in development density to take advantage of the proximity to the MARC station while retaining the neighborhood's historical character. The plan calls for construction of a multifamily building at the southeast corner of Brookes and Park Avenues and the creation of parking at the back of the properties accessible via the City-owned alley off Park Avenue as is proposed with this Application.

In accordance with the Olde Towne District Design Guidelines, the new construction as proposed in the Application will not attempt to copy historical buildings found in Olde Towne but includes design elements found throughout the neighborhood such as pitched roofs, arcades along the street fronts, and brick and shingle cladding. Moreover, the buildings, while similar in scale, materials, and design elements, are proposed to include distinctive designs, which adds variety to the neighborhood. The site plan meets the requirements of the Olde Towne District Design Guidelines for building siting, fences and walls, parking, and streetscape and landscaping, and the architecture conforms with the guideline requirements for elevations, windows, materials, roofs, and balconies and canopies.

The project will redevelop existing lots with two (2) multi-family buildings that will provide the city with a wider array of housing options; enhance environmental stewardship with its modern stormwater management practices; leverage existing public transportation options with the existing Gaithersburg MARC station; and create a cohesive neighborhood with new pedestrian connections. The plan is in conformance with outcome areas and strategies of the City's 2022 Strategic Plan in the areas of economic development and redevelopment; environmental stewardship and sustainability; and viable transportation options.

The project meets a number of City objectives detailed in the draft Housing Element of the Gaithersburg Master Plan such as reducing rent prices in relation to the median income of City residents; developing housing proximate to transit within an established community; offering a mix of bedroom units for different price points; and adding new housing so the City can continue to grow.

- d. Be incompatible or inharmonious with other existing uses or with existing and proposed adjacent development.

The project is compatible and harmonious with the other existing uses or with existing and proposed adjacent development. In accordance with § 24-160F.1 of the City Code, the purpose of the CBD (Central Business District) Zone is to promote a desirable mix of commercial, office, and residential uses. The Properties currently are either vacant

or underutilized small offices. Existing apartment buildings are located to the north of the subject Properties along Brookes Avenue and have been present since the 1950s. The Park Station apartment complex, which was built in 1999 and is located across from the Properties at the northeast corner of Brookes and Park avenues, stands four (4) stories tall.

Moreover, the proposed development will not be incompatible or inharmonious with the adjacent residential and commercial properties to the west and south along Park Avenue or to the commercial properties to the east along North Summit Avenue. The Commercial Service Road will concentrate site access in a single location and, when built out, will provide access to the rear of the commercial properties and improve the integration among the uses within Olde Towne. The first segment of the Commercial Service Road will be constructed as part of this project, and the developer will dedicate land to facilitate its future completion. The construction of the Park Avenue sidewalk will provide connectivity to the existing Olde Towne sidewalk network, and the corresponding street trees to be planted along the stretch will buffer the project from the adjacent development. The addition of the community room and dog wash station and the offers to allow nearby residents use the fitness room and pool will attempt to integrate the complex with the neighbors.

- e. Be inharmonious or inconsistent with the environmental standards of the city adopted by the city council pursuant to section 20-9 of the City Code and any amendments thereto.

On June 8, 2022, Staff approved Concept Storm Water Management application SWM-9194-2022 and Concept Sediment and Erosion Control Plan SEC-9193-2022. The microbioretention facilities will be an improvement from the current lack of storm water management infrastructure at the location. The facilities will gather and treat rainwater before it enters the City's storm drains and will help further the City's goals to improve water quality in local streams, rivers, and the Chesapeake Bay.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Gaithersburg on the 17th day of May, 2023, that the Applicants' Concept Site Plan, designated SP-9149-2021, be APPROVED with two (2) conditions:

1. Applicants must revise the site plan to address Staff comments prior to certification of the plans by Staff; and
2. Applicants must provide a traffic safety and operational analysis of the Park and Brookes Avenues intersection for submission with the Preliminary Site Plan.

ADOPTED by the Planning Commission this 17th day of May 2023. Commissioners Bauer, Cantrell, Wessell, and Winborne being present and voting in favor of the action and Commissioner Kaufman opposed.



John Bauer, Chair
Planning Commission

THIS IS TO CERTIFY that the foregoing Resolution was adopted by the Planning Commission in a public meeting assembled on the 17th day of May, 2023.



John Schlichting, Director,
Planning and Code Administration