

RESOLUTION NO. R-4-20

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF GAITHERSBURG
GRANTING APPROVAL OF SCHEMATIC DEVELOPMENT PLAN SDP-8198-2019,
KNOWN AS SPECTRUM AT WATKINS MILL, CONSISTING OF APPROXIMATELY
3.26 ACRES AND ZONED MIXED USE DEVELOPMENT (MXD)

SDP-8198-2019

OPINION

Schematic development plan approval application SDP-8198-2019 ("Application") for approximately 3.26 acres of land, concerning the development of properties consisting of Parcel "N"- Block D, Lot 8- Block "B" and Lot 2, Block "A", within the Spectrum at Watkins Mill Road development ("Subject Properties"), which are zoned Mixed Use Development (MXD), has come before the Mayor and City Council for approval. The City's Council's authority in this matter is pursuant to § 24-160D.9(b)(2) of the City of Gaithersburg Zoning Ordinance (Chapter 24 of the City Code), which authorizes the City Council and Planning Commission to conduct public hearings on a schematic development plan application following appropriate notification procedures and for the City Council to take action on the application within ninety (90) days of the close of the hearing record, following receipt of a recommendation by the City's Planning Commission.

The subject Application concerns the development of the Subject Properties within the Spectrum at Watkins Mill Road development. The application was submitted to the City Planning and Code Administration on May 1, 2019 and designated as SDP-8198-2019.

OPERATIVE FACTS

A. Background

The Subject Properties are part of the Spectrum at Watkins Mill Road development, which was annexed into the City of Gaithersburg as part of Annexation Application X-095 on April 15, 1968. The properties were zoned I-3 (Industrial Office Park) at the time of annexation. The Mayor and City Council by Ordinance O-05-6 approved Zoning Map Amendment application Z-301 on June 20, 2006, which rezoned the properties to the Mixed Use Development Zone (MXD). A sketch plan was included and approved by the Mayor and City Council, as part of Zoning Map Amendment application Z-301. The Properties received Schematic Development Plan approval in 2006, by the Mayor and City Council, by Resolution R-65-06 for application SDP-05-003. The Mayor and City Council by Resolution R-92-07 approved SDP-07-001, which

amended the previous approved Schematic Development Plan. Subsequently, the Planning Commission approved final site plans for both Phase 1A and Phase 1B, which included the infrastructure and buildings A, C and C-1. The Planning Commission approved final site plan SP-07-0017 on July 15, 2009 for Phase 1A and final site plan SP-09-004 on June 2, 2010 for Phase 1B. Applications Z-301(A) and SDP-11-002 were later filed concurrently to amend the approved sketch plan and schematic development plan. Sketch Plan application Z-301(A) permitted a maximum of 214,810 square feet of mixed-use commercial uses and 669 total dwelling units. The Sketch Plan phased the development into the following two phases:

Phase 1: Commencement at Approval of the Final Site Plan

61,710 sf	Mixed Use (retail/restaurant) – Buildings A (retail), B, C (retail and restaurant), D, F, H (retail), M, and T
8,000 sf	Mixed Use (office/bank) – Buildings L and S
29,200 sf	Montgomery County Police Station – Building P
30,000 sf	City Senior Center – Building Q
511	Multi-family units – Building A, C and H

Phase 2: Commencement at commencement of Watkins Mill Road Interchange

17,000 sf	Mixed Use (retail/restaurant) – Building K (retail/restaurant) and Buildings K and O
64,100 sf	Mixed Use (office/bank) – Buildings K and O
4,800 sf	Mixed Use (service station) – Building N
158	Multi-family units Age Restricted – Building R

Since the Watkins Mill Road Interchange has commenced construction, the Applicant may proceed with Phase 2 of the development. The Mayor and City Council by Resolution O-2-12 granted approval of sketch plan Z-301(A) on March 19, 2012 and by Resolution R-19-12 approved Schematic Development Plan SDP-11-002 at the same time, on March 19, 2012. The Planning Commission approved final site plan SP-12-0002 April 3, 2013 for buildings F, H, L and M. The development has also received a number of minor amendments approved by both the Planning Commission and Planning Staff.

B. Current Application

On May 20, 2019, Matthew Walters of BP Realty Investments, (“Applicant”) submitted the Application for schematic development plan approval, SDP-8198-2019. The Application proposes a 4,649 square foot retail building, 1,248 square foot car wash, and ten (10) double sided filling pump stations for Royal farms. The application also includes a 2,500 square foot Starbucks building with a drive-thru and reduced the approved building size on Pad Site B from 9,500 square feet to 4,500 square feet to accommodate retail, restaurant or office uses.

The Mayor and City Council and Planning Commission conducted a public hearing for application SDP-8198-2019 on October 21, 2019. During the course of the hearing, there were a number of comments raised regarding various aspects of the subject plan, which included:

- Enhance the rear elevations for both the Royal Farms and Starbucks buildings;
- Provide a plan for wayfinding signage on the site;
- Explore the possibility of providing a median break on Spectrum Boulevard to facilitate a left turn into the Royal Farms property; and
- Flip the proposed location of the Royal Farms retail building with the filling pumps so that the retail building fronts Watkins Mill Road.

There was testimony from the public during the course of the hearing. There was no additional written comments received from the public while the record remained open.

At the conclusion of the hearing, the Planning Commission announced, by motion, the closing of their record on November 25, 2019 with recommendation scheduled for December 4, 2019. Subsequently, the Mayor and City Council, announced by motion, the closing of their record on December 11, 2019, with policy discussion on January 6, 2020.

The Planning Commission reviewed the SDP-8198-2019 application at its regular meeting on December 4, 2019. Based upon their review of the evidence in the record, their discussion, and the required findings presented in the Staff Analysis, the Planning Commission found the SDP-8198-2019 application to be in conformance with the MXD Zone standards. Consequently, the Planning Commission recommended approval of the SDP-8198-2019 application to the City Council with the following conditions required of the Applicant:

1. Applicant to continue to participate in the Watkins Mill Road agreement for all necessary improvements related to development associated with this application;
2. Applicant to provide a revised Forest Conservation Plan as part of any future Final Site plan submissions; and
3. Applicant to coordinate with Montgomery County on relocation of the storm drain connection for the future police station.

C. Evaluation and Findings

The City Council, upon careful review of the evidence of record, agrees with the findings, conclusions and the recommendation of approval for schematic development plan SDP-8198-2019 by the City Planning Commission and City staff. The City Council

finds those recommendations to be well reasoned and adopts and incorporates their findings as part of this action. The City Council further agrees that the procedures governing the application for the MXD zone and approvals necessary to seek building permits are subject to a multi-step process and this is only one of several steps of the process, which subsequently includes Final Site Plan review and approval.

In reviewing the subject Application, the City Council finds the application and development proposal meets or accomplishes the purposes, objectives, and minimum standards and requirements of the MXD Zone that are set forth in Chapter 24 (Zoning) Article III, Division 19 of the City Code.

The City Council finds that the Application meets the submission requirements and the standards and requirements for approval of the subject schematic development plan, as set forth in § 24-160D.9(b) of the City Code in that:

1. The Applicant filed, together with the prescribed application fee, and Application for approval of a schematic development plan;
2. Staff determined that the Application was complete and contains all the information and components required under § 24-169(b) of the City Code;
3. Staff determined that the Schematic Development Plan complies with approved Sketch Plan Z-301(A), which permits commercial, restaurant, office and service station uses;
4. The City Council and Planning Commission have conducted a joint public hearing on the Application subject to the notification procedures as required for local map amendments in § 24-196 of the City Code;
5. The Planning Commission delivered its recommendation to the City Council on December 4, 2019, within thirty (30) days of the close of the Commission's hearing record on November 25, 2019;
6. The Council has taken action on this application within ninety (90) days after the close of the Council's hearing record on December 11, 2019;
7. The approval of this schematic development plan with its degree of detail shall substitute for preliminary site plan approval and preliminary subdivision plan approval; and
8. The proposed plan will enhance the existing array of commercial uses within the Spectrum development and will be integrated within the existing development and road networks.

Furthermore, the City Council finds from the evidence of record that the Application for schematic development plan approval, SDP-8198-2019, as currently amended, fulfills the findings required under § 24-160D.10 (b) of the City Code:

(1) The plan is substantially in accord with the approved sketch plan:

The plan is consistent with approved Sketch Plan Z-301(A). The sketch plan allows 214,810 square feet of mixed office, restaurant, commercial, service station, senior center/ public uses and 669 multi-family residential units. The proposed plan includes a service station, commercial, restaurant and office use, which are permitted uses as listed in the approved sketch plan. The proposed 207,710 square feet of total development is under the maximum permitted by the sketch plan.

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

- (a) Application SDP-8198-2019 will be developed with retail, automobile filling station and office uses, which is in conformance with the approved Sketch Plan Z-301(A).
- (b) Application SDP-8198-2019 will contain building materials and design elements that will be compatible with the existing buildings located within the Spectrum development.
- (c) Application SDP-8198-2019 will continue to development an existing mixed-use community by creating an attractive and cohesive development by locating new development within the existing infrastructure.
- (d) Application SDP-8198-2019 encourages the efficient use of land by locating the Royal Farms and Starbucks within an existing mixed use community, which provides adequate circulation for pedestrians and vehicles.
- (e) Application SDP-8198-2019 is part of phase two of the Spectrum development. Phase two was permitted to start at commencement of construction of the Watkins Mill interchange.

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

The Spectrum Development was included in the 1997 Master Plan, Land Use Element under Neighborhood 6, as part of Study Area 3, Map Designation 6. The land use recommendation states:

Designate the 73-acres of I.B.M and N417, owned by the Casey Trust, as commercial/industrial-research-office (Map Designation 6) which equate to the

Mixed Use development (MXD) Zone. Development of this site for commercial retail facilities could possibly include a hotel: expansion of office and research and development uses would be permitted. The City is currently evaluating the feasibility of constructing a new interchange at Watkins Mill Road Extended over Interstate 270 to link Neighborhoods Five and Six and provide alternative transportation options to the interchange of North Frederick Avenue and Montgomery Village Avenue. The location of any development on the vacant 33-acre parcel on the northern portion of the I.B.M property should take into consideration the placement of a new interchange. The main emphasis of the siting of new buildings will be towards Watkins Mill Road Extended. Watkins Mill Road Extended should be designed so that is compatible with surrounding uses and the design of the interchange incorporating, where feasible, appropriate traffic calming measures more in keeping with the City's design standards emphasizing pedestrian access. Access to the vacant 33 acres will be from Watkins Mill Road Extended and an additional access point from North Frederick Avenue.

The Spectrum Development is also located within the Northern Employment District of the Frederick Avenue Lands Use Master Plan. While the Frederick Avenue Corridor Land Use Master Plan does not have a specific recommendation for the subject properties, it does note 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. The subject properties were not included in the 2003 or 2009 Master Plans as specific map designations.

The application will continue developing the Spectrum community by incorporating commercial uses along Frederick Avenue/MD 355 and Watkins Mill Road. The Royal Farms and Starbucks building will be located within an existing road network that provides adequate circulation for vehicles and pedestrians, which is envisioned in the City's master plan.

Lastly, the proposed building will not exceed the maximum building height permitted in the Northern Employment District of six (6) stories and will not exceed sixty-five (65) feet in height. The height of the Royal Farms retail building will be approximately twenty-one (21) feet to the top of the parapet and thirty-eight (38) feet to the top of the cupola above the main entrance. The height of the automobile filling canopy is approximately nineteen (19) feet. The height of the Starbucks building will be approximately twenty-feet (23) feet.

- (4) The plan will be internally and externally compatible and harmonious with existing and planned uses in the MXD zoned area and adjacent areas:

The application is compatible and harmonious with the existing and planned land uses in the MXD zone and adjacent areas. The proposed retail, office and service

station will be located within a mixed use community which consist of commercial, office and residential uses. The proposed plan will also be adjacent to existing commercial and office uses.

(5) That existing or planned public facilities are adequate to service the proposed development contained in the plan:

This application complies with the City's adequate public facilities requirements, as follows:

1. **Traffic Impacts-** The proposed plan would generate thirty-eight (38) less morning peak hour trips and 170 less evening peak hour trips from the previously approved Traffic Impact Study. Therefore, the proposed Application complies with the Adequate Public Facilities requirements for traffic impacts.
2. **Adequacy of School Capacity-** The proposed development will be for retail and office uses, therefore it will have no impact on the school system. Therefore, the proposed development is exempt from the school test of the Adequate Public Facilities.
3. **Water and Sewer Services and Public Utilities-** The subject property is currently served by Category W-1 and S-1 of Washington Suburban Sanitary Commission (WSSC) services.
4. **Fire and Emergency Services-** The property is located within a ten-minute response time of Station 8 (Gaithersburg-Washington Grove), Station 29 (Germantown) and Station 34 (Germantown/Milestone). Therefore, adequate fire and emergency services are provided and satisfy the Adequate Public Facilities requirements for Fire and Emergency Services.

(6) That the development staging or phasing program is adequate in relation to the provision of public facilities and private amenities to service the proposed development:

The previously approved sketch plan, Z-301(A), outlined the phasing for the overall Spectrum development into two phases. The proposed plan is in conformance with phase two of the Spectrum development, which can commence once construction of the Watkins Mill Road Interchange started. The proposed plan will be integrated within the existing road networks and utility infrastructures.

(7) That the plan, if approved, would be in the public interest:

The plan advances the overall Spectrum development vision by providing a vibrant and walkable mixed use community. The proposed uses will facilitate new businesses in the City, which will contribute to the City's overall economic health. The proposed uses will enhance the existing array of commercial uses within the Spectrum development. Lastly, the plan will not have any adverse impacts to existing development and adjacent properties.

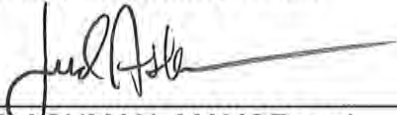
SCHEMATIC DEVELOPMENT PLAN SDP-8198-2019

RESOLUTION

NOW, THEREFORE BE IT ORDAINED by the City Council of Gaithersburg, Maryland, that SDP-8198-2019, being an application filed by Matthew Walters of BP Realty Investments, requesting approval of Schematic Development Plan subject to the following conditions required of the Applicant:

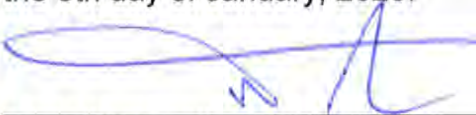
1. Applicant to continue to participate in the Watkins Mill Road agreement for all necessary improvements related to development associated with this application;
2. Applicant to provide a revised Forest Conservation Plan as part of any future Final Site plan submissions; and
3. Applicant to coordinate with Montgomery County on relocation of the storm drain connection for the future police station.

ADOPTED by the City Council this 6th day of January, 2020.



JUD ASHMAN, MAYOR and
President of the Council

THIS IS TO CERTIFY, that the foregoing Resolution was adopted by the City Council in public meeting assembled on the 6th day of January, 2020.



Tony Tomasello, City Manager