

AMENDMENT RESOLUTION OF THE MAYOR AND CITY COUNCIL  
OF GAITHERSBURG GRANTING APPROVAL OF THE  
WASHINGTONIAN CENTER KNOWN AS SDP-W2, PRESENTLY  
ZONED MXD THIS SCHEMATIC DEVELOPMENT PLAN APPROVAL  
PERMITS 356,343 SQUARE FEET OF RETAIL AND  
RESTAURANT DEVELOPMENT IN  
A "MAIN STREET" STYLE CONCEPT

SDP-W2

OPINION

This matter has come before the Mayor and City Council for approval of a schematic development plan (SDP) for portions of land zoned Mixed Use Development (MXD). The City Council's authority in this matter is pursuant to Section 24-160D 9(b)(3) of the City of Gaithersburg Zoning Ordinance (Chapter 24 of the City Code), which authorizes the Council and Planning Commission to conduct public hearings on a schematic development plan application following appropriate notification procedures and 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 Planning Commission. This subject case involves approximately 22.98 acres of land known as Parcel H, Block C of the Washingtonian Center, and is located between Interstate 270, Sam Eij Highway, and Washingtonian Boulevard. This area identified as SDP-W2 was submitted to the Planning and Code Administration and Planning Commission on January 3, 1997. This application known as SDP-W2 presently requests approval for the development of 356,343 square feet of retail, and restaurant space in a "main street" style development.

Operative Facts

A. Background

The Washingtonian Center was annexed into the City of Gaithersburg on July 9, 1991 equaling 102.5711 acres of land. This development had received an approval from Montgomery County by Resolution Number 10-1592 adopted November 5, 1985 approving Zoning Application Number G-439 setting forth the right to develop 4,525,000 square feet of space in conformance with a concept plan approved as part of that application. The annexation agreement between the City of Gaithersburg, and the property owner states that the schematic development plan process is complete as set forth by the agreement unless subsequent amendments are requested by the property owner, or any party on its behalf.

This amendment to the original schematic development plan has been requested by the property owner Hazel/Peterson Company. The Planning Commission approved the amendment request at their March 5, 1997 meeting and sent forth their recommendation to the Mayor and City Council.

The Neighborhood Three Land Use Plan has determined that the land use on this property shall be commercial/industrial-research-office. The land use plan promotes the clustering of development around the existing lake so that a lively pedestrian friendly commercial/retail entertainment center emerges. Development is limited to architecturally innovative buildings with commercial footprints of 25,000 to 80,000 square feet. Buildings should front on streets, or pedestrian walkways with parking in the rear or the side. Any development must be innovative in that it provides for a unique retail/commercial experience that links the existing office and residential uses through a highly pedestrian oriented design.

The staging elements of the Neighborhood Three Land Use Plan to include elements #1 and #3 have been satisfied. Staging element #2 has been partially satisfied relevant to this approval. A portion of staging element #2 requires a letter from Montgomery County Department of Transportation and Public Works conceptually approving the design for a new bridge over Sam Eij Highway.

#### **B Current Application**

On January 3, 1997 the applicant, Washingtonian Associates (Hazel/Peterson Company), submitted the second amendment to the original plan for Washingtonian Center. The first SDP-W1 was approved by the Mayor and City Council on October 7, 1996 for the construction of an extended stay hotel. The submission of SDP-W2 included a boundary survey, land use plan, traffic circulation plan, path and screening plan, utility concept plan, landscape plan, natural resource inventory, and building elevations.

The Planning Commission, and Mayor and City Council held a joint public hearing on January 21, 1997 at which time evidence was received on the subject application. The Planning Commission, and Mayor and City Council records were held open indefinitely. During the public hearing, concerns were raised pertaining to the preservation of trees, site signage, building architecture, and pedestrian access.

A joint public work session was held on January 27, 1997 by the Mayor and City Council, and Planning Commission. At that meeting eight issues were raised, location of dumpsters, and loading docks, tree preservation, design of Washingtonian Boulevard, landscaping, and pedestrian access, site signage; building elevations, parking issues, and the addendum to the annexation agreement. The applicant then revised the plans to address these comments.

A new revised plan was then submitted by the applicant and reviewed by staff. A staff analysis was prepared and presented to the Planning Commission at their March 3, 1997 meeting. The staff presented their report and addressed the various issues raised at earlier meetings as to the changes that were made to the plan. The applicant agreed with all conditions proposed by staff. The Planning Commission then voted to recommend approval.

of SDP-W2 to the Mayor and City Council Their recommendation of approval was based on the fact that the amended application would be compatible with the vision of the Washingtonian Center, and would be in conformance with Chapter 24 of the Gaithersburg City Code. The vote was 5-0

The Mayor and City Council has fully evaluated both the recommendations of the staff and the Planning Commission and agrees with their findings and recommendations In addition, the City Council has evaluated the evidence of record and makes the following findings, as required by law

C. Evaluation and Findings

In reviewing the subject application for approval of SDP-W2, the City Council finds the proposal to be substantially in accordance with Chapter 24, of the City Zoning Ordinance, and specifically Section 24-160 d 1 the Mixed Use Development Zone (MXD) The City Council finds that as presented, SDP-W2 fulfills the purposes and objectives of the Mixed Use Development Zone by producing a more flexible and innovative design for the "main street" retail section of the Washingtonian Center The SDP, which has been under review by the Planning Staff, the Planning Commission, and the Mayor and City Council, and as revised by the applicant, implements the policies and recommendations of the Mixed Use Development Zone

It is the City Council's finding that SDP-W2, the retail section, as proposed in its current form which includes 356,353 square feet of building to be compatible and harmonious with existing and a planned uses in the subject site and adjacent areas Other items of note that underscore the compatibility of SDP-W2 to the principals of the MXD zone include: the development of a "main street" retail experience, finished buildings elevations, sidewalks, landscaping, structured parking, and signage.

In conclusion, the City Council finds SDP-W2 as submitted in accordance with Section 24-160 d 9, and here unto conditioned, is in the public interest and should be approved due to the presence of sufficient evidence in the record to indicate that the subject SDP, has accomplished the purpose of the zone, reflects an internally and externally compatible form of development, and is consistent with the purpose of the Neighborhood Three Land Use Plan, as well as generally accepted city planning and land use policies, subject to the applicant complying with the following conditions as stated in this Resolution

SCHEMATIC DEVELOPMENT PLAN (SDP-W2)

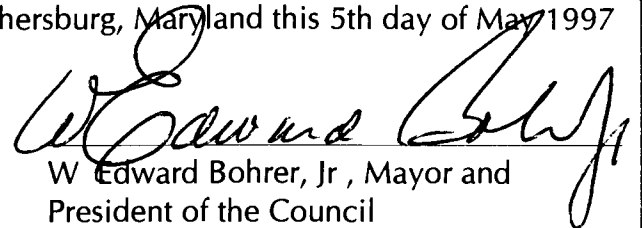
RESOLUTION NUMBER

NOW, THEREFORE BE IT RESOLVED, by the City Council of Gaithersburg, that SDP-W2 being an application filed by the Hazel/Peterson Company requesting approval, as updates and amended for approximately 22.98 acres of land known as the Washingtonian Center located between Interstate 270, Sam Eig Highway, and Washingtonian Boulevard being composed of 356,343 square feet of retail/restaurant gross leasable space subject to the following conditions

- 1 A traffic study be submitted that will recommend the type of traffic control device at the intersection of Washingtonian, and Rio Boulevards
- 2 Complete landscaping plans be submitted and approved for all on, and off-site plantings in the median of Sam Eig Highway, and the interchange of I-270, and I-370 This also includes plantings on the north side of Sam Eig Highway
- 3 The H/P Company will work with staff to determine tree save areas within the parking lots where feasible. In addition, transplanted trees will be placed within parking lot islands to the rear of Kohl's.
- 4 Interim parking will be allowed on pad sites M and P until the time of building permits for phase two are issued At the time of issuance of permits for phase two, the interim parking will be removed on pad sites M and P by the applicant.
- 5 The applicant work with the residents of Washingtonian Village to improve the pathway between Sam Eig Highway, and Crown Farm Drive.
- 6 A design charrette be conducted for the purpose of reaching consensus on site signage The sign design will be conceptually approved by the Mayor and City Council with detailed final approval by the Planning Commission to be consistent with the approved design concept.
- 7 Final architectural drawings be approved by the Planning Commission at the time of final site plan review
- 8 A complete sidewalk, pathway, and bikeway plan be submitted at the time of final site plan approval
- 9 An addendum to the annexation agreement be approved by the Mayor and City Council in relation to staging element #3 of the Neighborhood Three Land Use Plan before building permits are issued This agreement will address the City's responsibility for Washingtonian Boulevard and site amenities

- 10 A complete storm water management control plan be approved by the Department of Public Works which address reoccurring problems in Malcolm King Park before grading permits are issued
- 11 Detailed plans be submitted for the public plaza and bridge over the lake to include a time schedule for construction in relation to restaurant pad sites
- 12 A traffic-calming plan for both the existing and planned portions of Washingtonian Boulevard be submitted at final site plan, which will facilitate safe and easy pedestrian crossings of that road and will keep speeds from exceeding 25 mph
- 13 Bus shelters be installed at locations approved by the Montgomery County Department of Transportation and Public Works

ADOPTED by the City Council of Gaithersburg, Maryland this 5th day of May 1997



W. Edward Bohrer, Jr., Mayor and  
President of the Council

This is to certify that the foregoing Resolution was adopted by the Gaithersburg City Council in public meeting assembled on the 5th day of May, 1997



David Humpton, City Manager