

RESOLUTION No. R-29-25

RESOLUTION OF THE MAYOR AND CITY COUNCIL
GRANTING APPROVAL OF SCHEMATIC DEVELOPMENT PLAN
SDP-9896-2024, FOR PROPERTY LOCATED AT 10009 FIELDS
ROAD, AND ZONED MIXED-USE DEVELOPMENT (MXD)

SDP-9896-2024

OPINION

Schematic development plan application SDP-9896-2024 (“Application”) for property zoned Mixed Use Development (MXD), has come before the Mayor and City Council for approval. The City 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 Planning Commission.¹

The subject case concerns the development of property comprised of Parcels B and C as depicted on Plat. 20526 and is addressed as 10009 Fields Road, with minor work taking place at 10003 Fields Road (the “Subject Properties”). The Application was submitted to the City Planning and Code Administration on August 2, 2024 and designated as SDP-9896-2024.

OPERATIVE FACTS

A. Background

The Subject Properties were annexed into the City of Gaithersburg by the Mayor and City Council as part of the Washingtonian Center, Bechtel, Marriott, and Chevron Properties with Annexation Application X-159 on March 4, 1991, by Resolution R-20-91. The Annexation Agreement allowed development of the Washingtonian area with a total of 4,525,000 square feet of mixed commercial use under the Mixed-Use Development Zone as set forth in the Schematic Development Plan attached to the Annexation Agreement. The plan noted the Subject Properties as a pad site and service station. At

¹ This application was reviewed and approved under the Zoning Ordinance in effect at the time of submission in accordance with Section 24-1.2 of the 2024 City Zoning Ordinance Update, “Any application, including any sketch plans, schematic development plans or site development plans included therein, that is submitted prior to the effective date of the 2024 City Zoning Ordinance Update and that is deemed valid and complete and includes all application’s submission shall be reviewed by the planning division, planning commission, city council and all other relevant city agencies pursuant to the standards of the zoning code in effect at the time of the application’s submission, as long as the submission proceeds for review and approval within two (2) years of its submission.”

the time of annexation, the Mayor and City Council established MXD (Mixed Use Development) zoning for the Subject Properties with Ordinance O-04-91. Exhibit "I" from the X-159 Annexation Agreement is the Sketch Plan for the Subject Properties.

The Annexation Agreement has been amended several times as shown in the chart below:

Annexation Agreement X-159 Amendments	Date Approved
Amendment to Annexation Agreement	1/10/1992
Addendum #1	2/26/1998
Third Amendment	11/15/2013
Fourth Amendment	6/18/2018
Fifth Amendment	12/6/2018
Sixth Amendment	9/19/2022

On May 5, 1997, the City Council approved Schematic Development Plan SDP-W2 with Resolution R-48-97, which approved the Washingtonian Center for 356,343 square feet of retail and restaurant uses in a "main street" style concept. The SDP-W2 plans show the Subject Properties with a note that reads "No change to previously approved land use". The plans noted a gas station/mini-mart and restaurant uses on the Subject Properties.

On June 3, 1998, the Planning Commission approved Amendment to SDP-W2 to approve an additional 103,657 square feet of retail/restaurant space, thereby increasing total square footage for SDP-W2 to 460,000 square feet, located at Parcel H, Block C, with Planning Commission Resolution PCR-SDP-W2. The SDP amendment was a result of a proposal in Site Plan W-1106, approved by Planning Commission Resolution PCR-W-1106, which exceeds the 356,343 square foot maximum development allowed for the retail portion of the Washingtonian Center by the approved SDP-W2. This amendment to the schematic development plan did not impact the Subject Properties.

On September 4, 1997, the Planning Commission approved Final Site Plan W-1082 for 10003 Fields Road for a gas station, convenience store, lube center, and car wash.

On March 10, 1999, the Planning Commission approved Final Site Plan W-1125 for a 5,565 square foot restaurant at 10009 Fields Road.

B. Current Application:

On August 2, 2024, Kelli DiPietro of Bohler Engineering (“Applicant”), submitted the Application, which proposes to demolish the existing restaurant at 10009 Fields Road and build in its place a 5,106 square-foot carwash. Minor changes on the adjacent lot of 10003 Fields Road include demolishing the existing car wash, to be replaced with parking spaces, and also changing the size of the lube center’s drive through lane.

The Mayor & City Council and Planning Commission conducted a joint public hearing for the Application on March 17, 2025. During the course of the hearing, the following aspects of the proposed plan were discussed:

- Were other uses explored for the Subject Property
- Conformance with the 1997 Master Plan
- How the site will be “harmonious” with the adjacent properties
- Car stacking and traffic circulation
- Pedestrian connectivity

No members of the public provided oral testimony at the hearing. One written comment from the public was received while the record remained open.

At the conclusion of the hearing, the Planning Commission decided, by motion, to close their record at 5:00 PM on April 9, 2025 (23 days) with anticipated recommendation to the Mayor and City Council tentatively scheduled for April 16, 2025. Subsequently, the Mayor and City Council decided, by motion, to close their record on 5:00 PM on April 29, 2025 (43 days) with anticipated Policy Discussion tentatively scheduled for May 19, 2025.

The Planning Commission reviewed the Application at its regular meeting on April 16, 2025. 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 Application to be in conformance with the MXD Zone standards. Consequently, the Planning Commission recommended approval of the Application to the Mayor and City Council with the following conditions required of the Applicant:

1. Prior to the certification of the plans, the Applicant will provide approval from the utility companies to regrade within the PUE, and the preliminary utility plan; and
2. Prior to certification of the plans, Applicant will submit revised site plans to address minor staff comments to be approved by Planning and Department of Public Works Staff.

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 the Application by the 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 with the Planning Commission in 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 that this is only one of several steps of the process, that subsequently includes Final Site Plan reviews and approvals.

In reviewing the subject Application, the City Council finds its 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 further 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, the Application, seeking approval of the proposed schematic development plan, which is consistent with the approved Sketch Plan in terms of density, height, permitted uses, access, and circulation;
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. The Subject Property is regulated by the 1997 Master Plan, The Subject Property is currently in conformance with the 2009 Master Plan land use map, which designates the Subject Property as Commercial/Industrial-Research-Office. The Application proposes redeveloping the Subject Property with a commercial use, in compliance with the above stated Master Plan recommendation.
4. The City Council and City Planning Commission have conducted a joint public hearing on the application subject to and in compliance with the notification procedures in § 24-196 of the City Code;
5. The Planning Commission delivered its recommendation to the City Council on April 16, 2025, within thirty (30) days of the close of the Commission's hearing record on April 9;
6. The City Council is taking action on the application within ninety (90) days after the close of the City Council's hearing record on April 29, 2025; and

7. The approval of the Application's schematic development plan with its degree of detail shall substitute for preliminary site plan approval and preliminary subdivision plan approval; and

Furthermore, the City Council finds from the evidence of record that the Application fulfills the findings required under § 24-160D.10(b), as follows:

- (1) The plan is substantially in accord with the approved sketch plan; and

The Application is consistent with the approved Sketch Plan which was part of Annexation Agreement X-159. The approved sketch plan permits up to 4,525,000 square feet of mixed commercial uses overall throughout the sketch plan area, which includes all the Washingtonian area. The proposed 5,106 square-foot car wash is less than the existing 5,565 square foot restaurant which is reducing the amount of commercial area on the Subject Property.

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

- a) The Application encourages the efficient use of land by locating commercial uses adjacent to established commercial, employment and recreational areas. The car wash is located adjacent to a gas station that also contains a restaurant and a dry cleaner on the same property. The development will make improvements to an existing sidewalk along Fields Road to improve pedestrian connectivity.
- b) The Application assures compatibility of the proposed land uses by incorporating a new commercial use that will complement the existing commercial and residential uses found within the larger Rio-Washingtonian Center and adjacent Crown development.
- c) The Application will provide the area with additional commercial uses and maintain employment opportunities in close proximity to existing residential areas.
- d) The Application will enhance the already existing mix of uses.

- (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

The Application is in conformance with the 1997 Master Plan. The Subject Properties are included in the 1997 Master Plan as Neighborhood Three, Study Area 6, Land Use Option 15. The Master Plan designed the Subject Properties as commercial/industrial-research-office land use designation. The Master Plan noted that this designation will allow a use that is consistent with a mixed-use commercial development such as office, restaurants and highway convenience services. The proposed car wash will be a commercial use that is adjacent to established mix of commercial uses.

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

The Application will be compatible and harmonious to the adjacent Crown and Washingtonian developments. The plan will not adversely affect the character of the area due to it being adjacent to existing mix of commercial uses adjacent to similar land uses and the plan will be constructed within existing road networks and make improvements to enhance pedestrian experience.

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

The Application complies with the City's adequate public facilities requirements, as follows:

1. **Traffic Impacts** (§ 24-245) – According to the submitted Traffic Impact Study (TRF-9900-2024), the proposed development will generate 40 AM, 62 PM, and 97 Saturday peak hour trips. The analysis concludes that there is sufficient transportation capacity to accommodate the proposed development. The traffic impact study has been reviewed and determined that the proposed development meets the adequacy criteria of the City of Gaithersburg Traffic Impact Study Standards and regulations.
2. **Schools** (§ 24-246) - The proposed development will be for a commercial use and will not have impacts on the school system. Therefore, the proposed development is exempt from the City's school test.

3. **Water and Sewer Services and Public Utilities** (§ 24-247) - The Subject Property is served by water category W-1 (public water available) and sewer category S-1 (public sewer available) of Washington Suburban Sanitary Commission (WSSC) services, therefore satisfies the requirements for water and sewer.
4. **Fire and Emergency Services** (§ 24-248) - The City's Adequate Public Facilities Ordinance (APFO) requires that any development project be served by at least two fire stations within a ten-minute response time. The Site is located within a ten-minute response time of three (3) fire stations: Station 8 (Gaithersburg), 31 (Rockville), and 32 (Travilah). Therefore, adequate fire and emergency services are provided.

(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; and

The proposed development will be integrated within existing road networks and completed one phase. Therefore, no staging or phasing is required for the implementation of the plan.

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

The car wash will be located within an existing larger mixed-use commercial development and within proximity to existing residential neighborhoods. The Application expands commercial options and will provide an amenity to community and contributes to the overall economic health of the City of Gaithersburg. Lastly, the plan will not have any adverse impacts to existing development and adjacent properties.

In summary, the City Council finds the Application to be in accordance with §§ 24-160D.9.(b) and 24-160D.10.(b) of the City Code and, as hereafter conditioned, is in the public interest and should be approved due to the presence of substantial evidence in the record and the included findings to indicate that the subject Schematic Development Plan has accomplished the purposes of the MXD Zone, as well as generally accepted City planning and land use policies, subject to the Applicant complying with the conditions stated in this Resolution.

SCHEMATIC DEVELOPMENT PLAN SDP-9896-2024

RESOLUTION

NOW, THEREFORE BE IT ORDAINED, by the City Council, that SDP-9896-2024, being an application filed by Kelli DiPietro of Bohler Engineering requesting approval of Schematic Development Plan SDP-9896-2024, is hereby approved subject to the following conditions required of the Applicant:

1. Prior to the certification of the plans, the Applicant will provide approval from the utility companies to regrade within the PUE, and the preliminary utility plan; and
2. Prior to certification of the plans, Applicant will submit revised site plans to address minor staff comments to be approved by Planning and Department of Public Works Staff.

ADOPTED by the City Council this 19th day of May, 2025.

Signed by:



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 19th day of May, 2025.

DocuSigned by:



Tanisha Briley, City Manager