
MEMORANDUM TO: Mayor and City Council
Planning Commission

FROM: Jasmine Forbes, Planner

DATE: October 21, 2019

SUBJECT: Preliminary Background Report
Application SDP-8198-2019

APPLICANT/DEVELOPER

Matthew Walters
BP Realty Investments
226 Spectrum Avenue
Gaithersburg, MD, 20879

OWNER

Peter Henry, LLC.
BPTC Two, LLC.
226 Spectrum Avenue
Gaithersburg, MD, 20879

ENGINEER

Mike Razav
Raztec Associates, Inc.
341 West Patrick Street
Frederick, MD, 21701

TAX MAP REFERENCE:

Parcel "N", Block "D" (plat number 24032)
Lot 8, Block "B" (plat number 25278)
Lot 2, Block "A" (plat number 25278).

REQUEST

The Applicant, Mathew Walters on behalf of BP Realty Investments, has submitted Schematic Development Plan (SDP) application SDP-8198-2019 (Exhibit #1). The area that is the subject of this application is known as the Spectrum development. The plan proposes a 4,649 square foot Royal Farms, a 2,500 square foot Starbucks restaurant, and a change in use for building "B" from restaurant to retail/restaurant/office.

LOCATION

The subject properties are located within the Spectrum Development and are bounded by Watkins Mill Road to the east and North Frederick Avenue (Route 355) to the north. The properties are addressed at 690 Watkins Mill Road, 300 Spectrum Avenue, and Interstate I-270/Spectrum Avenue.



Location of Project Area

PROJECT BACKGROUND

The subject properties (“Site” or “Properties”) are part of the Spectrum Development, which is an improved mixed-use center containing residential, commercial, and restaurant uses. Existing improvements to the development include three residential buildings with ground floor commercial, and a one-story restaurant pad site. The portions of the Spectrum development specifically included in the current SDP application includes Parcel “N”, Block “D” (plat number 24032), Lot 8, Block “B” (plat number 25278), and Lot 2, Block “A” (plat number 25278).

REQUIRED ACTIONS

Approval of SDP-8198-2019, by the City Council is dependent upon the findings required under § 24-160D.10 (b) of the City Code as follows:

- (b) *The city council shall approve a schematic development plan only upon the finding that:*
- (1) *The plan is substantially in accord with the approved sketch plan; and*
 - (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*
 - (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*
 - (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*
 - (5) *That existing or planned public facilities are adequate to service the proposed development contained in the plan; and*
 - (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*
 - (7) *That the plan, if approved, would be in the public interest.*

Therefore, the Applicant has the burden of showing that the application complies with the purpose and intent of the MXD Zone and the master plan. Additionally, evidence must be shown that the application will be compatible and harmonious with the surrounding planned and existing land uses and will accomplish the objectives, minimum standards, and requirements of the zone.

ANNEXATION, ZONING AND SITE PLAN HISTORY:

Annexation and Zoning

The Mayor and Town Council by resolution R-8-68 annexed the Subject Properties into the City 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-05-06 approved zoning Map Amendment application Z-301 on June 20, 2006, which rezoned the property to the MXD (Mixed Use Development) Zone.

Site Plan History

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 two phases. Since the Watkins Mill Road Interchange has commenced construction the Applicant may proceed with Phase 2 of the development.

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

The Mayor and City Council by Resolution O-2-12 granted approval of sketch plan Z-301(A) on March 19, 2012 (Exhibit #9). Subsequently, the Mayor and City Council by Resolution R-19-12 approved Schematic Development Plan SDP-11-002 on March 19, 2012 (Exhibit #10).

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.

Master Plan

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 properties are also located within the Northern Employment District of the Frederick Avenue Corridor Land Use Master Plan. While the Frederick Avenue Corridor Land Use Master Plan does not have a specific recommendation for the subject property, it does include the following broad recommendation for the entire district:

The Northern Employment District extend from Montgomery Village Avenue (Maryland Route 124) on the south, to Game Preserve Road on the north. This district is dominated by several larger, vacant tracts of land on the west side of North Frederick Avenue as well as car dealerships, and other large scale retail, hotel and large office complexes.

All land use designations and zoning recommendation 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.

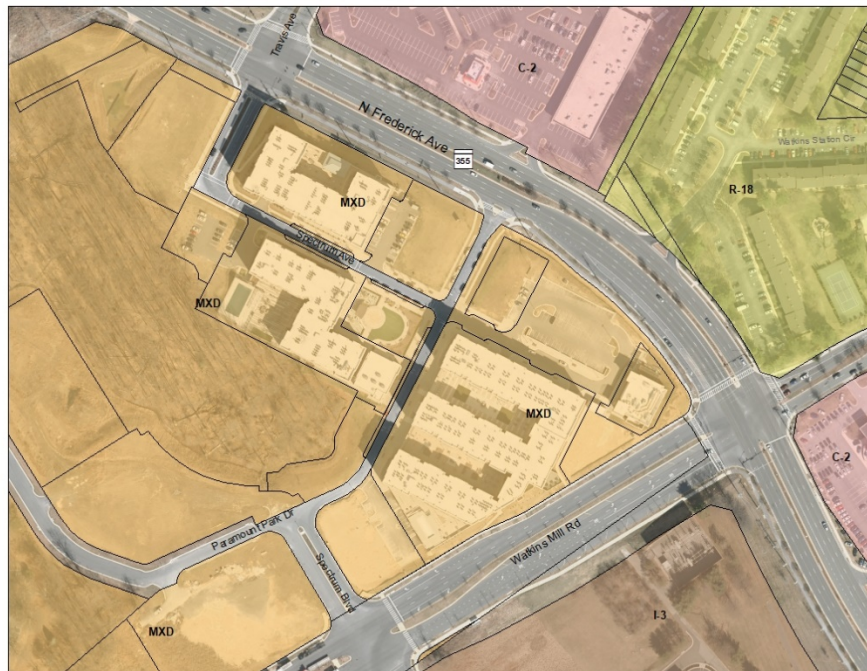
The future roads shown on the map above reflect the intent of the City's Transportation Element and the 1997 Neighborhood Six Land Use Plan. The extension of Travis Avenue and the Connector to Watkins Mill Road-Extended provide an important outlet to Interstate 270 for those businesses on Professional Drive. The Watkins Mill Road interchange at Interstate 270 is also very important in relieving traffic congestion on Maryland Route 355 and access to properties in both Neighborhood Five and Six.

GENERAL INFORMATION

SURROUNDING LAND USE/PHYSICAL CHARACTERISTICS:

The overall properties within the Spectrum development is approximately 40.12 acres and is bounded on the east by North Frederick Avenue, Watkins Mill Road to the south, a public utility line to the north and the Humane Society of the United State property to the west. The following table demonstrates the land use and zoning for the surrounding properties:

Direction	Zoning	Land Use
North	C-2 (General Commercial)	Commercial
South	I-3 (Industrial Office Park)	Hampton Inn & Suites Gaithersburg Medical Center
East	R-18 (Medium Density Residential)	Residential
West	MXD (Mixed Use Development)	Vacant



Zoning Map

ADEQUATE PUBLIC FACILITIES ORDINANCE (APFO):

In accordance with § 24-244, "Applicability," this plan is subject to the APFO requirements because it is proposing additional development that is not part of a current schematic development plan.

Traffic Impacts (§ 24-245)

Traffic engineering firm, The Traffic Group, has submitted a letter about the completed traffic study (Exhibit #4). The letter noted that the proposed plan would have thirty-eight (38) less morning peak hour trips and 170 less evening peak hour trips from the previously approved Traffic Impact Study. City's Department of Public Works Staff has reviewed the application and agrees that the overall traffic impact is within the overall parameters of the original submitted Traffic Impact Statement provided for the development. Therefore, the application complies with the requirement of the adequate public facilities requirements § 24-245.

Schools (§ 24-246)

The proposed development will be for retail and office uses, therefore it will have no impact on the school system. Therefore, proposed development is exempt from the school test of the Adequate Public Facilities Ordinance (§ 24-246).

Water and Sewer Services and Public Utilities (§ 24-247)

The subject SDP areas are located within water category W-1 (public water available) and sewer category S-1 (public sewer available), and thus satisfies the requirements of § 24-247 for water and sewer.

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 (2) fire stations within a ten-minute response time. The development is located within a ten-minute response time of three (3) fire stations:

- Station 8 (Gaithersburg-Washington Grove)
- Station 29 (Germantown)
- Station 34 (Germantown/Milestone)

Therefore, adequate fire and emergency services are provided and satisfy the adequate public facilities requirements of § 24-248.

SCHEMATIC DEVELOPMENT PLAN PROPOSAL:

Site Plan

The Applicant is requesting approval to construct 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 includes a 2,500 square foot Starbucks building with a drive thru. The Applicant is also requesting to reduce the building size on Pad B from 9,500 square feet to 4,500 square foot building to accommodate retail, restaurant or office uses.

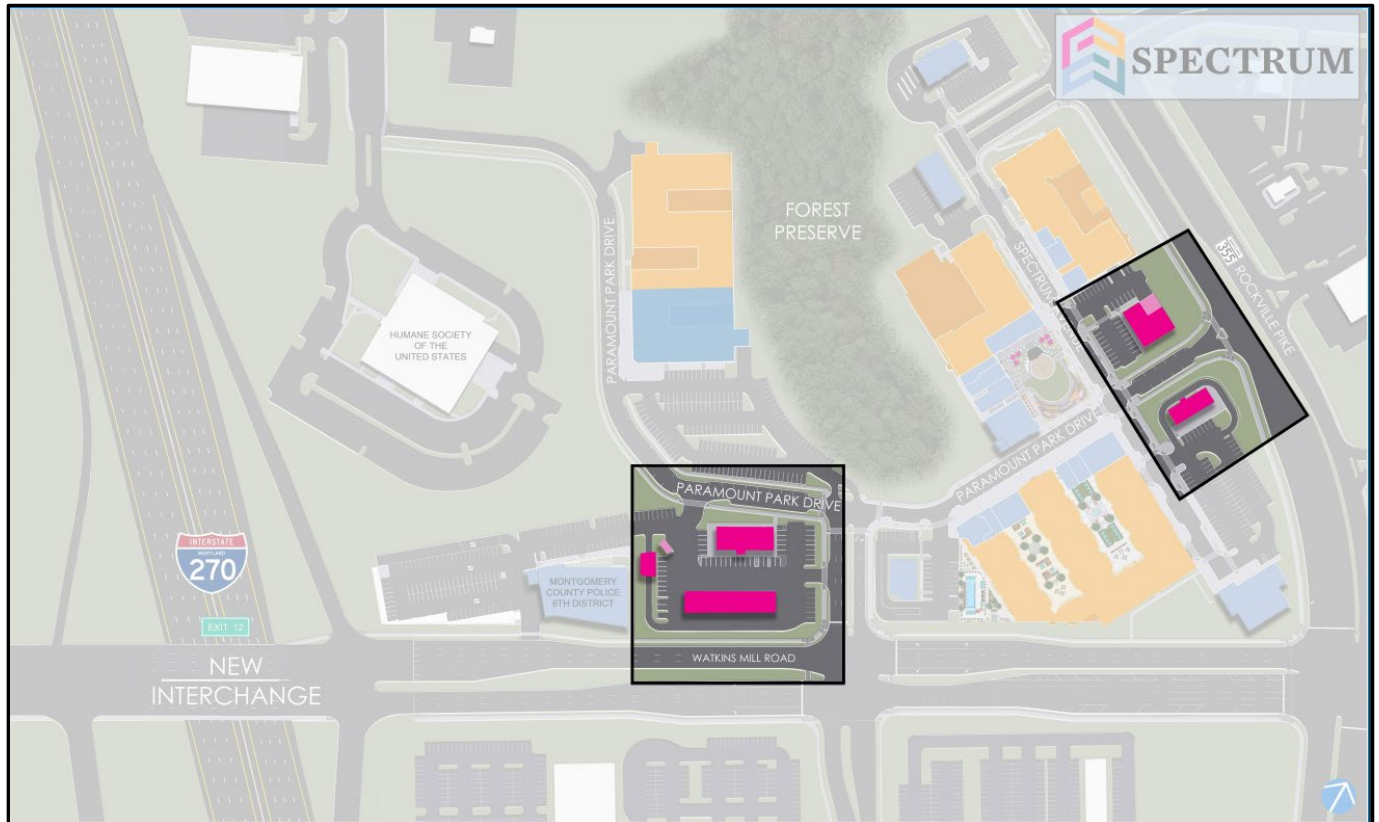


Exhibit #20: Site Plan Rendering

The Royal Farms gas station will be located at Parcel N, Block D, which is the corner of Spectrum Boulevard and Watkins Mill Road. The previous SDP application for this site was approved for a 4,800 square foot service station/retail and 4,100 square foot mixed use/ bank use. The filling pump canopy will be approximately 5,280 square feet, which is setback approximately sixty (60) feet from Watkins Mill Road, ninety-five (95) feet from Spectrum Boulevard, and ninety (90) feet from the property to the west (Future County Police Site). The height of the canopy is approximately nineteen (19) feet. The 4,649 square foot Royal Farms retail building will be located behind the filling pumps and will have a total height of approximately twenty-one (21) feet to the top of the parapet and thirty-eight (38) feet to the top of the cupola above the building entrance. The retail building is sited approximately thirty-four (34) feet from Paramount Park Drive, 102 feet from Spectrum Boulevard, 164 feet from Watkins Mill Road and 151 feet from the west property line. The 1,248 square foot car wash will be located at the southwest side of the property. The car wash will be setback

approximately 113 feet from Watkins Mill Road and eight (8) feet from the west property line. The Royal Farms and the Future Police Station will share a drive aisle to the west of the property. The site plan also includes the following:

- A modified entrance on Paramount Park Drive
- A new right-in/right-out entrance on Spectrum Boulevard;
- New sidewalks along Spectrum Boulevard and Paramount Park Drive;
- Crosswalks at Paramount Park Drive and Spectrum Boulevard;
- Dumpster Enclosure to the west of the property; and
- Outdoor Seating in the front of the building.

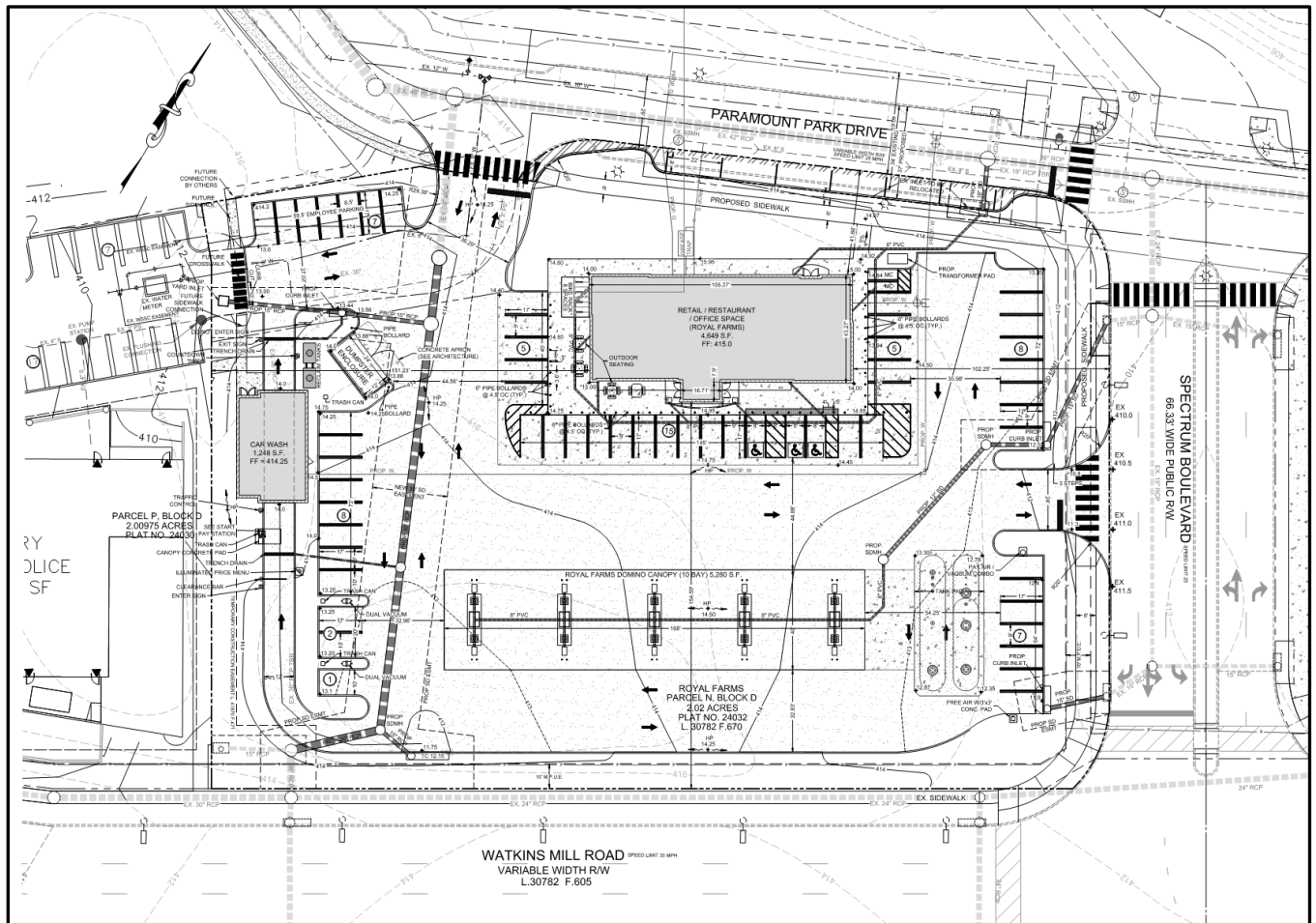


Exhibit #18c: Royal Farms Site Plan

The 2,500 square foot Starbucks building will be located on Pad Site D (Lot 8, Block "B"), which is at the corner of Paramount Park Drive and North Frederick Avenue/MD Route 355. The previous SDP application for this site was approved for a 6,500 square foot restaurant. The building entrance will front the surface lot to the south of the property. There will be outdoor seating and bike racks along the front of the building. The building is sited approximately eighty (80) feet from North Frederick Avenue/MD Route 355, fifty-four (54) feet from Paramount Park Drive and fifty-three (53) feet from Spectrum Avenue. The plan will include a drive-thru aisle around the building. The plan also includes a retaining wall along the north and east side of the property facing North Frederick Avenue and Paramount Park Drive. Staff notes that all construction drawings of retaining walls and their footing design must be submitted and approved by the City Department of Public Works prior to final site plan review.

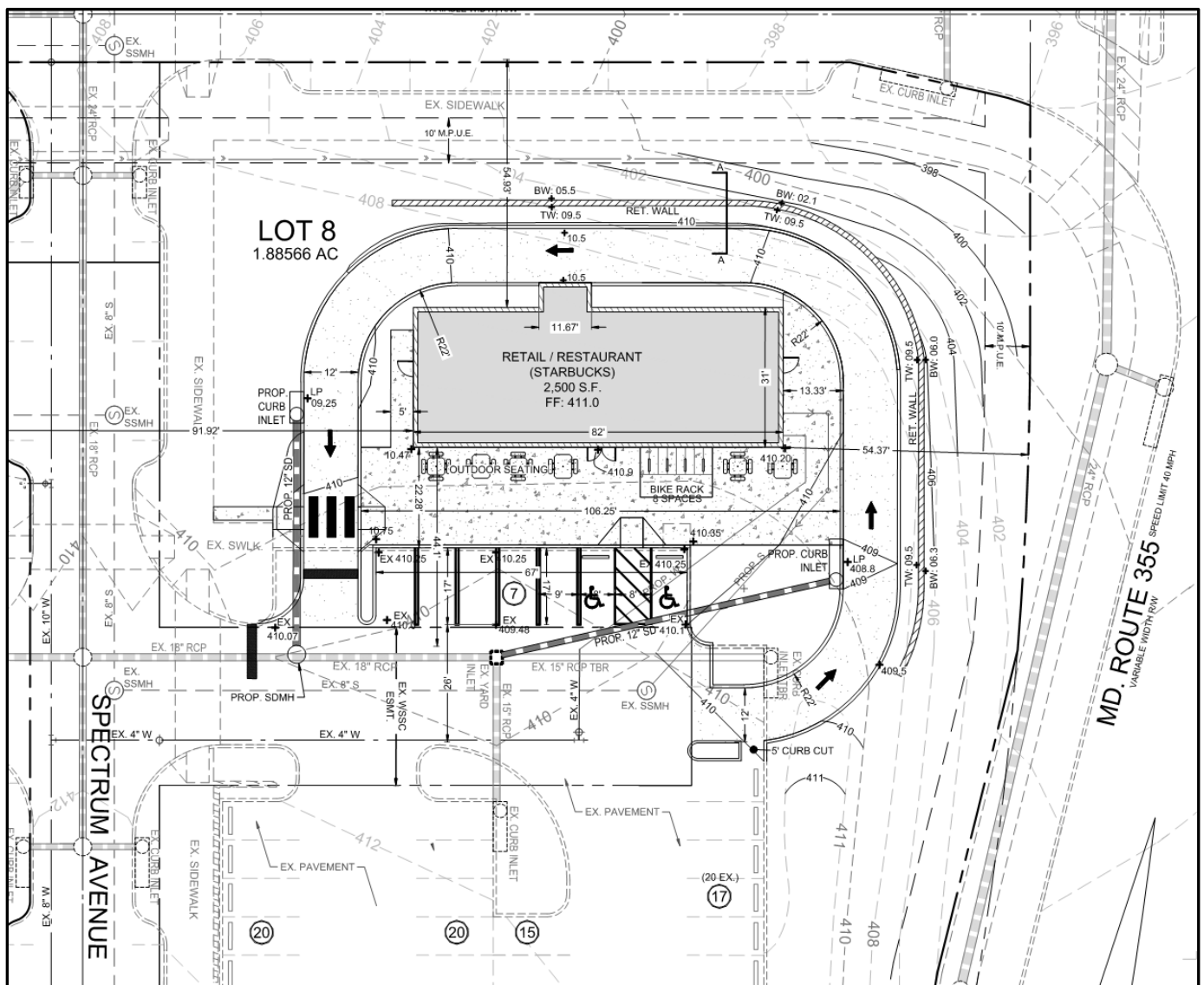


Exhibit #18c: Starbucks Site Plan

The 4,500 square foot building on Pad Site B (Lot 2, Block "A") will be adjacent to the Starbucks building to the north. The previous SDP application for this site was approved for a 9,500 square foot restaurant building. This application will reduce the size the building and change the use to allow for either retail, restaurant and or office use or any combination. The building is sited approximately forty-two (42) feet from Paramount Park Drive, eighty-three (83) feet from Spectrum Avenue and seventy-five (75) feet from North Frederick Avenue/MD Route 355. The plan will also incorporate a parking in the front of the building and sidewalks. The Applicant plans to maintain the existing trash enclosure on the property.

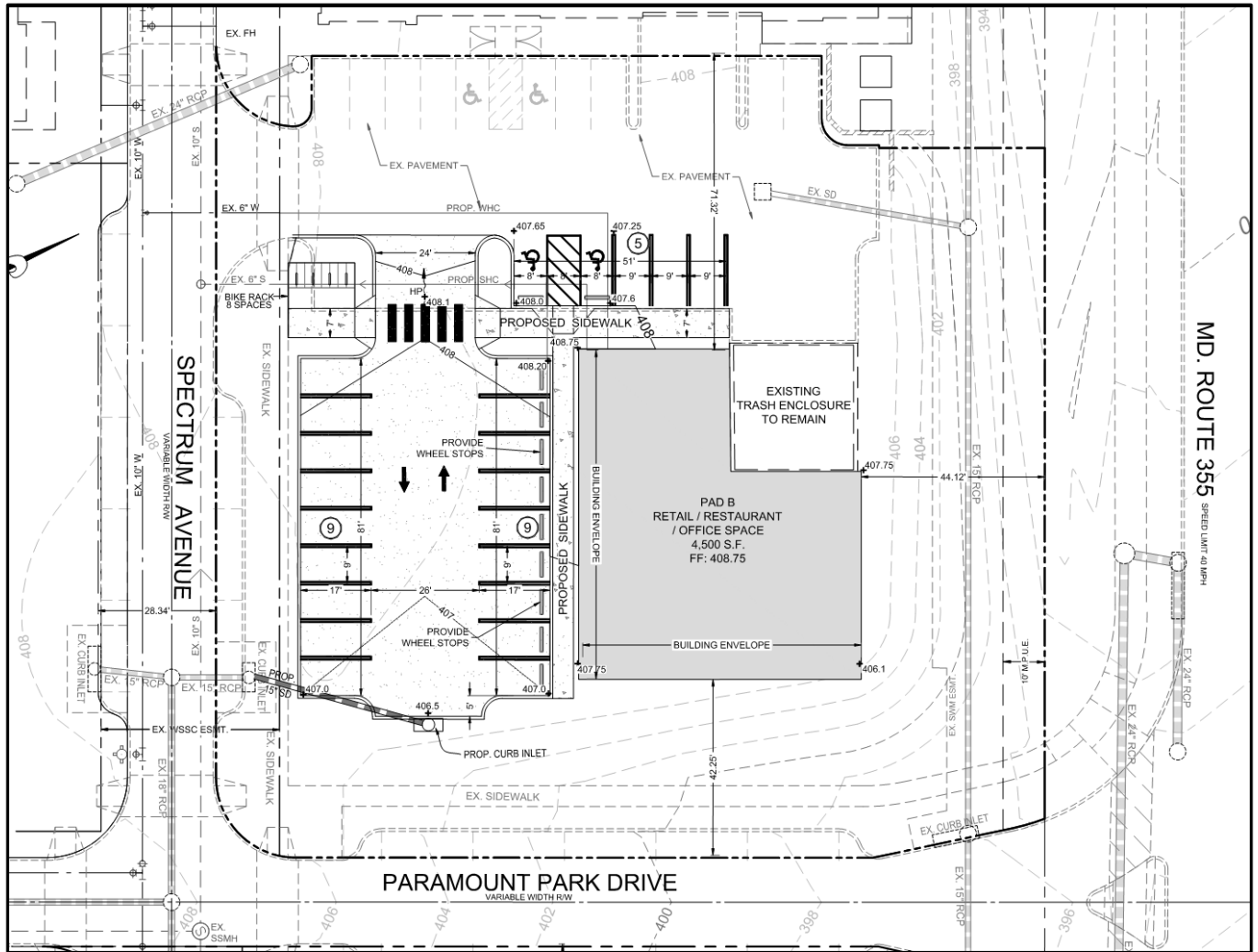


Exhibit #18c: Pad B Building Site Plan

Parking

The parking is facilitated through spaces in the surface lots, on-street and parking garages throughout the Spectrum development. A shared parking chart was established for the overall Spectrum development and was divided into two phases. A total of 613 parking spaces are required and the Applicant proposes to provide 1,947 spaces when the Spectrum development is complete. The Royal Farms site is required to provide twenty-four (24) spaces and will provide a total of sixty-one (61) spaces. The parking spaces for the Royal Farms are proposed to be a mixture of 8.5' x 17', 9' x 17' and 10' x 17'. The 8.5' foot spaces will be employee parking and the ten (10) foot spaces will be used by the customers who need to use the air and vacuum machines near the car wash. It should be noted that the Applicant will need to request a parking wavier from the Planning Commission at final site plan for the eleven (11) spaces that do not meet the nine (9) foot width requirement for parking spaces. The Starbucks building is required to provide ten (10) parking spaces and will utilize the existing parking lot adjacent to the property. The building on Pad Site B is required twenty (20) spaces and will provide twenty-three (23) spaces. Once the three pad sites are developed there will be a total of 570 parking spaces on site. The development currently has a total of 321 shared surface spaces and 177 shared garage spaces. For the commercial buildings that are currently built, 222 parking spaces are required. The shared parking analysis shows that there is sufficient parking provided for the new development.

Shared Parking Required

Phase I (Shared Parking): Use	Area	Pkg. Req'd Weekday Day 6a.m. - 6p.m.		Evening 6p.m. - Midnight		Pkg. Req'd Weekend Day 6a.m. - 6p.m.		Evening 6p.m. - Midnight	
Office/Retail/Restaurant (1sp/225sf)	52,710	50%	117	90%	211	100%	234	70%	164
Mixed Use Bank/Office (1sp/300sf)	36,000	100%	120	10%	12	10%	12	5%	6
Warehouse (1sp/1000sf)	1,200	100%	2	10%	1	10%	1	5%	1
Senior Center (1sp/250sf)	30,000	50%	60	100%	120	100%	120	100%	120
Total	119,910		299		344		367		291
Total Parking Required			299		344		367		291

Shared Parking Required - Ph 1 & 2

Phase I (Shared Parking): Use	Area	Pkg. Req'd Weekday Day 6a.m. - 6p.m.		Evening 6p.m. - Midnight		Pkg. Req'd Weekend Day 6a.m. - 6p.m.		Evening 6p.m. - Midnight	
Office/Retail/Restaurant (1sp/225sf)	75,710	100%	336	10%	34	10%	34	5%	17
Mixed Use Bank/Office (1sp/300sf)	96,000	60%	192	90%	288	100%	320	70%	224
Warehouse (1sp/1000sf)	1,200	50%	1	100%	2	100%	2	100%	2
Senior Center (1sp/250sf)	30,000	50%	60	100%	120	100%	120	100%	120
1 Service Station (2.5/bay)	4,800	100%	24	100%	24	100%	24	100%	24
Total	207,710		613		468		500		387
Total Parking Required			613		468		500		387

Parking number to be finalized at Final Site Plan

Exhibit #18a: Shared Parking Chart

Conceptual Architectural Elevations

As part of the SDP application, the Applicant has provided conceptual architectural elevations for the Royal Farms retail building and Starbucks building. There are no conceptual architectural elevations for the building located at Pad B. The proposed materials for Royal Farms architectural building will include cementitious siding, brick veneer, stone veneer, pvc trim, metal canopy and aluminum/glass storefront. The car wash is proposed to be clad in stone and siding. The dumpster enclosure will be clad in brick and the filling station canopy will be clad in metal and stone columns.



Exhibit #30- Royal Farms Conceptual Architecture



Exhibit #30- Royal Farms Conceptual Architecture



Exhibit 19: Royal Farms Conceptual Car Wash Architecture

The Applicant notes that there are differences between the elevations in the SDP packet and the presentation (Exhibit #31). The renderings in the Applicant's presentation are the elevations proposed for this site (Exhibit #30). The proposed materials for the Starbucks building will include brick veneer, wood siding and EIFs.



Exhibit #30: Starbuck Conceptual Architecture-South Elevation



Exhibit #30: Starbucks Conceptual Architecture (North Elevation)



Exhibit #30: Starbucks Conceptual Architecture



Exhibit#30: Starbucks Conceptual Architecture

Utility Plan

A conceptual utility plan is included as part of the schematic development plan submission (Exhibit #18e). The Applicant proposes to install a gas, sewer and water lines to facilitate the development of the site. The Applicant will be required to provide sign-off from all utility companies on the conceptual utility plan prior to schematic development plan approval.

Landscape Plan

As part of the SDP submission, the Applicant has submitted a preliminary landscape plan for the three (3) pad sites (Exhibit #14f). The Applicant plans to provide a variety of landscape such as shade trees, ornamental trees, evergreen trees and shrubs. Pursuant to § 24-160D.9 of the City Code, commercial/employment/industrial portion of a mixed use development must provide at least twenty-five percent of green space. The overall Spectrum development is required 0.81 acres and will provide 0.89 acres of green space. Staff notes that the Applicant will need to revise the previously approved Forest Conservation Plan for the Spectrum development at final site plan review.

SUMMARY:

The Applicant has submitted for consideration schematic development plan application SDP-8198-2019. This is a complete application as defined by § 24-160D.9(b), Application for Schematic Development Plan Approval, of the City Code. A joint public hearing with the Mayor and City Council and Planning Commission has been scheduled for October 21, 2019.

Because this is the initial public hearing and Staff continues to complete their analysis of the proposed project, no formal recommendation is provided at this time. A recommendation will be provided by Staff prior to the Planning Commission's recommendation discussion. Staff has however, identified the following points of interest for the Council's and Planning Commissions' consideration which should be reviewed in more depth:

1. Right-in entrance on Spectrum Boulevard. Staff supports the right-out, but have concerns on the right-in. The Applicant has not provide any evidence on the need to have vehicles make a right-in on Spectrum Boulevard. City of Gaithersburg Department of Public Works Engineering Services Division Chief, Anthony Berger, has provided a letter outlining staff's concern with the right in on Spectrum Boulevard (Exhibit #24).
2. Provide clarification of storm drain easements to be extinguished, to remain or to be established on the Royal Farms site;
3. Provide verification from Montgomery County on: relocation/removal of existing and proposed storm drain structures/pipes necessary for drainage connections; and for easements to be extinguished, to remain or to be established for storm drain, access, and construction;

4. Preliminary letters of approval from the utility companies, including WSSC, for any new easements required to be provided prior to schematic development plan approval;
5. Continue to work with staff concerning proposed street curb construction revision and construction of approved pedestrian lighting on Paramount Park Drive; and

Staff will continue to work with the Applicant on refining the plan, in response to comments offered at the public hearing or entered into the record.

For the purpose of concluding the public hearing, staff recommends:

1. The Planning Commission make a motion hold the record open until 5:00 PM on November 25, 2019 (35 days) with a Recommendation to the Mayor and City Council tentatively scheduled for December 4, 2019.
2. The Mayor and City Council make a motion to hold the record open until 5:00 PM on December 11, 2019 (51 days) with a Policy Discussion tentatively scheduled for January 6, 2020.