

FAIRFIELD AT CROWN FARM
AMENDMENT TO SCHEMATIC DEVELOPMENT PLAN – ASDP-8733-2020
JUSTIFICATION STATEMENT

JANUARY 2021

FRH Realty LLC is the contract purchaser of and applicant (the “Applicant”) for 333 Ellington Boulevard, identified as Block A, Lot 3 on a record plat entitled “Plat 28, Crown Farm,” recorded in the Land Records of Montgomery County, Maryland at Plat No. 24454 (the “Property”). The Applicant is filing this justification statement as part of the Amendment to the Schematic Development Plan (the “ASDP” or “Application”) for the Property pursuant to Sections 24-160D.11 and 24-198(c) of the City of Gaithersburg Zoning Ordinance (the “Zoning Ordinance”). The Applicant recently filed a Final Site Plan application in order to redevelop the Property with 244 multi-family residential units, including 27 moderately priced dwelling units (“MPDUs”) and related amenities (the “Project”), as envisioned by prior regulatory approvals, discussed in detail below. This ASDP proposes a notational change to Sheet 2 and Sheet 88 of the SDP (defined and described below), to permit a 5-6 story multi-family building on the Property instead of just a 5-story multi-family building, however still well within the 75-foot maximum permissible building height for a 5-story building as established on Sheet 2 of the SDP, all as further described below.

The Property

The Property is comprised of 76,894 sq. ft. (approximately 1.765 acres), located in the City of Gaithersburg (the “City”). It is zoned Mixed Use Development (“MXD”), and located within the Downtown Crown redevelopment, a vibrant, transit-proximate area with a mix of uses. The Property is currently vacant. It is generally bounded by Copley Place to the northwest, Diamondback Drive to the southwest, Ellington Boulevard to the southeast, and an existing 5-story parking garage to the northeast. Across Copley Place from the Property is The Copley, a 5-story multi-family residential building. Across Diamondback Drive from the Property are 4-story townhome units. Finally, across Ellington Boulevard from the Property is Olmstead Park, a stormwater retention pond/lake and natural area with a walking trail.

The Property is the last multi-family redevelopment site in Neighborhood 1 of Downtown Crown, and, upon the Project's construction, Neighborhood 1 will be largely built-out in its contribution to the overall vision established by the Sketch Plan and the Schematic Development Plan (defined and discussed in further detail below) for this community.

The Property and Downtown Crown as a whole are subject to Sketch Plan No. Z-315 (the "Sketch Plan"), which was approved by the Mayor and Council through Ordinance No. O-27-10 on December 6, 2010.¹ The Sketch Plan provided the framework for the future redevelopment of the approximately 182.8-acre Crown Farm site into a vibrant, mixed-use community. The Sketch Plan identifies the Property within Neighborhood 1, one of six neighborhoods as established by the Sketch Plan, and indicates that Neighborhood 1 is comprised of approximately 41.3 acres and allows for mixed-use development, building heights of up to 8 stories, 235,000 to 300,000 gross square feet of commercial uses, and 650 to 1,200 dwelling units (single-family attached or multi-family).

Schematic Development Plan No. 11-001 (the "SDP"), approved by the Mayor and Council on April 4, 2011 through Resolution No. R-28-11, pertains to the redevelopment of Neighborhood 1 and Neighborhood 2, as originally identified in the Sketch Plan. The SDP identifies the Property as Lot 3 of Block C within the Plan I and Plan II areas of Neighborhood 1. The SDP (Sheet 88 – Building Height Exhibit) reflects a multifamily building five (5) stories tall on the property. The SDP also notes (Sheet 2 – Notes, Details & Lot Typical) that a 5-story building may have a maximum building height of 75 feet (Note 9).

The Proposed ASDP

As mentioned, the SDP envisions a 5-story multi-family residential building on the Property, with height not to exceed 75 feet. However, due to the established grades and street curbs at the corner of Ellington Boulevard and Diamondback Drive (the southeast corner of the Property), of which the Applicant has no control or ability to change, the bottom of the building drops down from the first floor to grade at the very corner, which is the location of the main residential

¹ The Crown Farm property as a whole was annexed into the City of Gaithersburg on August 7, 2006 via Resolution R-82-06, and at that time the MXD zoning for the site was approved along with the original Sketch Plan by Ordinance O-8-06. That original Sketch Plan was never implemented and a revised Sketch Plan No. Z-315, which is now the governing Sketch Plan, was approved on December 6, 2010 along with the Second Amendment to the X-182 Annexation Agreement.

lobby. The Project is well within the height restriction in feet for the Property – as noted the SDP provides that a 5-story building may have a maximum building height of 75 feet, and the proposed Project height is less than 70 feet in height. However, because the SDP specifically identifies five (5) stories for the Property, City Staff has determined that this ASDP is required. Because this is not a substantive change and rather simply a notational change (i.e., the Project is well within the maximum permissible height in feet), at its January 19, 2021 session, the Mayor and Council was briefed on the ASDP by City Staff, and the Mayor and Council deemed that the Application has a very minor effect and directed that the City of Gaithersburg Planning Commission (the “Planning Commission”) make the final decision on the ASDP.

As noted, the proposed Project is well within the permissible 75 feet in height for the Property. However, due to a drop in grade across the site, generally running from north to south, at the southern corner of the site where Ellington Boulevard and Diamondback Drive meet, the established grade on the Property is actually below the elevation of the first floor of the proposed building. The small portion of the Project where the building presents as six (6) stories has been marked on the Overall Building Elevation included with the ASDP submission. Therefore, the building, which presents as five (5) stories across the vast majority of the Project, has one of two options for addressing this low corner on the site:

- (1) In order to strictly adhere to the 5-story requirement set by the SDP, the portion of the building that drops down from the first floor to grade at the corner could be a useless, unoccupied space and essentially present as a blank wall.
- (2) Alternatively, a usable space could be established in order to activate the corner and present as a far more attractive façade than a blank wall, and to offer a pedestrian experience that corresponds with the Crown Farm Design Guidelines for Neighborhoods 1 and 2. However, due to the definitions contained in the Zoning Ordinance, this would technically be deemed an additional “story,” necessitating this ASDP to permit a sixth story in this small portion of the Property.

Per Section 24-1 of the Zoning Ordinance, a “story” is defined as “[t]hat portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, the space between such floor and the ceiling next above it. A basement shall

be counted as a story, if it is used for business or dwelling purposes.” Section 24-1 defines “basement” as “[t]hat portion of a building below the first floor joists having at least one-half of its clear ceiling height above the main level of the adjacent ground.”

In the case of the Project, the small sixth story space at the corner of Ellington Boulevard and Diamondback Drive is considered a basement because at least one-half of its clear ceiling height is above the main level of the adjacent ground. Per the definition of “story,” a basement is counted as a story if it is used for business or dwelling purposes. No dwelling units are proposed in this space, and neither are any independent businesses proposed in this space (e.g., no retail uses are proposed). However, as noted, this corner is the location of the main residential lobby for the building. This location was chosen due to its visibility, and the Applicant’s desire to activate the corner and overall frontage, in alignment with the goals of the Design Guidelines for Neighborhoods 1 and 2.

As the building’s main residential lobby, uses ancillary to the multi-family residential building are proposed to be located in this space – for example, the mail room, resident fitness room, pet spa, and restrooms. The leasing office is also located in this space, and City Staff has determined that under the Zoning Ordinance definitions, this qualifies as a “business” use and thus this space is considered a “story,” rendering the Project six (6) stories in this small location and necessitating the ASDP. The Applicant did consider moving the leasing office to the next floor above (i.e., what is through the vast majority of the Project actually the first floor of the building). However, it is important that the leasing office be co-located with the main lobby, for purposes of visibility, operational efficiency, safety, and security, as well as marketing.

In summary, the Applicant is requesting approval of this ASDP, for the following reasons:

- At less than 70 feet in height, the Project is well within the 75-foot height limit established by the SDP for the site.
- The building presents as a sixth story at the corner adjacent to Ellington Boulevard and Diamondback Drive, due to established grades across the site and street curbs over which the Applicant has no control or ability to change.
- In order to have an attractive and activated corner in this location, rather than a blank wall and unusable space (that conflicts with the Design Guidelines for Neighborhoods 1

and 2), the Applicant has designed a usable space that will serve as the building's main residential lobby.

- Because the leasing office needs to be co-located with the residential lobby, under the Zoning Ordinance's definitions, this "basement" area is considered a "story" because it has a business use in it.

Compliance with the Zoning Ordinance's Required Findings for ASDP Approval

The Application satisfies Sections 24-160D.10(b) of the Zoning Ordinance as follows. We also note that the change proposed by the ASDP is very modest, a notational change solely, and does not alter the basis for the findings made in the original approval of the SDP. Specifically:

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

As mentioned, the Sketch Plan identifies the Property within Neighborhood 1, one of six neighborhoods as established by the Sketch Plan, and indicates that Neighborhood 1 is comprised of approximately 41.3 acres and allows for mixed-use development, building heights of up to 8 stories, 235,000 to 300,000 gross square feet of commercial uses, and 650 to 1,200 dwelling units (single-family attached or multi-family). The proposed notational change permitting 5-6 stories of multi-family on the Property is well within the maximum of 8 stories established by the Sketch Plan for Neighborhood 1.

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

The ASDP satisfies all relevant provisions of the Zoning Ordinance, including the purposes and objectives of the MXD Zone as provided in Section 24-160D.1 of the Zoning Ordinance, as well as other applicable requirements of the Code of the City of Gaithersburg (the "City Code"). The Project fulfills the vision for the Property and Downtown Crown as a whole as contemplated by the Sketch Plan and the SDP, and is in conformance with the area master plan as discussed below. It will continue development of the existing attractive and cohesive Downtown Crown mixed-use community by locating new development within the existing infrastructure. As discussed below, the Project will be developed in one phase, and adequacy of public facilities has already been established through the X-182 Annexation Agreement. The Project will provide residential units which will be compatible and harmonious with the surrounding

neighborhood and buildings, the nearby buildings of which are at a very similar scale to the Project. Finally, the Project encourages the efficient use of land by locating the multi-family residential units near employment and retail uses, reducing reliance upon automobiles due to the Project's proximity to commercial uses, and thereby encouraging pedestrian and other non-vehicular locomotion by connecting with approved and existing sidewalks within Downtown Crown and adjacent development.

(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.*

The ASDP is in accordance with City planning goals and objectives. It is in conformance with the Land Use Element of the City's 2009 Master Plan and specifically its vision for Crown Farm as a mixed-use, transit-oriented development. *Land Use Element, pp. 60-61.* The Project supports the Process and Overview Element of the 2009 Master Plan as well. It proposes new development in an existing activity center – Crown Farm – and where public utilities, facilities, and services are already established. *Process and Overview Element, p. 5.* Further, the Project provides additional multi-family residential units to support the activities and retail uses already existing in Neighborhood 1 specifically and Crown Farm more generally, furthering seven day per week activity in the area. *Id. at 5.* As is detailed in the forthcoming Final Site Plan application, the Project incorporates the thoughtful standards of the Design Guidelines for Neighborhood 1. *Id. at 6.* It will also facilitate vehicular, bicycle, and pedestrian circulation. *Id. at 7.* Specifically, the Project optimizes the location of parking, in that parking will be provided efficiently through an extension of the existing adjacent parking garage. The bicycle and pedestrian experience will be enhanced along the Project's frontages through thoughtful and attractive hardscaping and landscaping. Finally, the Project offers multi-family housing in a mixed-use setting. *Id. at 8.*

Additionally, the Application is consistent with many of the objectives contained in the City's FY 2021 Strategic Plan (the "Strategic Plan"). The Project proposes new housing options in the City, including a significant MPDU component, adding to the number of affordable units available. *Strategic Plan, p. 57.* The Project will provide high quality, aesthetically pleasing design, as contemplated by the Design Guidelines for Neighborhoods 1 and 2. *Id. at 84.* The Project will also provide an attractive streetscape and associated amenities (hardscape,

landscape), and further will reduce automobile dependence by co-locating residential units within walking distance of a mix of uses (retail, restaurants, office). *Id.* 105, 106.

(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.*

The Project will be both internally and externally compatible and harmonious with existing and planned nearby land uses. Development of the Property with a building of the type of use (multi-family residential) and scale (five stories, but for the small drop-down at the corner of Ellington Boulevard and Diamondback Drive) has been contemplated for a number of years as part of the fulfillment of the vision for Downtown Crown, as established in the previously approved Sketch Plan and SDP. The Property is the last remaining multi-family site to be developed in Neighborhood 1, and it will complement the adjacent and nearby uses (townhomes at four stories and mid-rise multi-family residential itself at five stories), while completing the streetscape along its frontages, improving the pedestrian experience for all who pass by the site on their way to nearby retail and restaurant uses.

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

In accordance with Section 24-244 of the Zoning Ordinance (Adequate Public Facilities – Applicability), Downtown Crown is not subject to adequate public facilities requirements as it is governed by an annexation agreement. The X-182 Annexation Agreement determined adequacy of public facilities, including schools and transportation, for Downtown Crown. The Project’s proposed multi-family units fall within the permissible range established by the Annexation Agreement (and Sketch Plan). The Property is served by water category W-1 and sewer category S-1, which are adequate to serve the Project. Further, the Project will be served by adequate fire and emergency services, specifically Station 8 (Gaithersburg), Station 31 (Rockville), and Station 32 (Travilah).

(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 Project on the Property will be developed in one phase and, as mentioned, a determination of adequacy of public facilities was made at the time of the Annexation Agreement and Sketch Plan.

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

The ASDP is in the public interest, as well as promotes the health and safety of persons residing in or working on the land in question and in the surrounding neighborhood. Most significantly, the Project will develop a currently vacant site, and complete the multi-family vision for Neighborhood 1 as established in the Sketch Plan and the SDP. New residential units will be provided, allowing for additional residents to move to Downtown Crown. The Project will utilize an existing parking garage, through an expansion, to efficiently provide parking for the Project, and includes streetscaping and landscaping that will enhance the pedestrian walking experience for anyone visiting adjacent and surrounding properties as well. Consistent with the Property's MXD zoning, the Project will reduce reliance on the automobile by providing additional residential units within walking distance of numerous uses, including office, retail, restaurant, and parks. The ASDP and forthcoming Final Site Plan application will advance the Sketch Plan's and SDP's vision of an infill and mixed-use community convenient to employment, retail, and transportation, while also fulfilling the goal for high-quality design contemplated by the Design Guidelines for Neighborhoods 1 and 2.

Conclusion

The Applicant respectfully requests that the Planning Commission grant approval of the Application, thereby allowing the notational change to the SDP permitting a 5-6 story multi-family building on the Property, well within the permissible maximum building height of 75 feet. As explained above and in the plans submitted with the Application, the Project satisfies all of the findings that the Planning Commission must make in approving the ASDP under the Zoning Ordinance.

Fairfield at Crown Farm

Gaithersburg, MD

Public Hearing
February 17, 2021



Owner

Trey Kirby - *Vice President - Development*
Bryan Condie - *Development Manager*



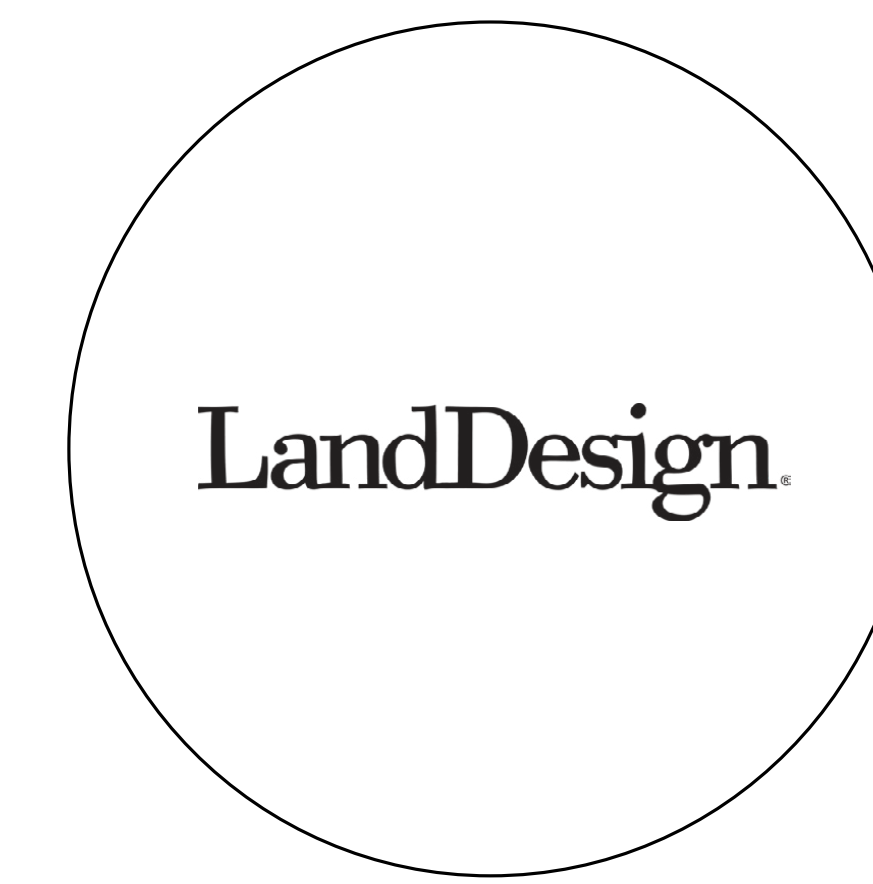
Architect

Stephen Moriak - *Managing Principal*
Chip Baker - *Principal*
Max Lee - *Project Manager*
Nathan Hayes - *Project Architect*



Land Use & Real Estate Law

Heather Dhopolsky - *Partner*



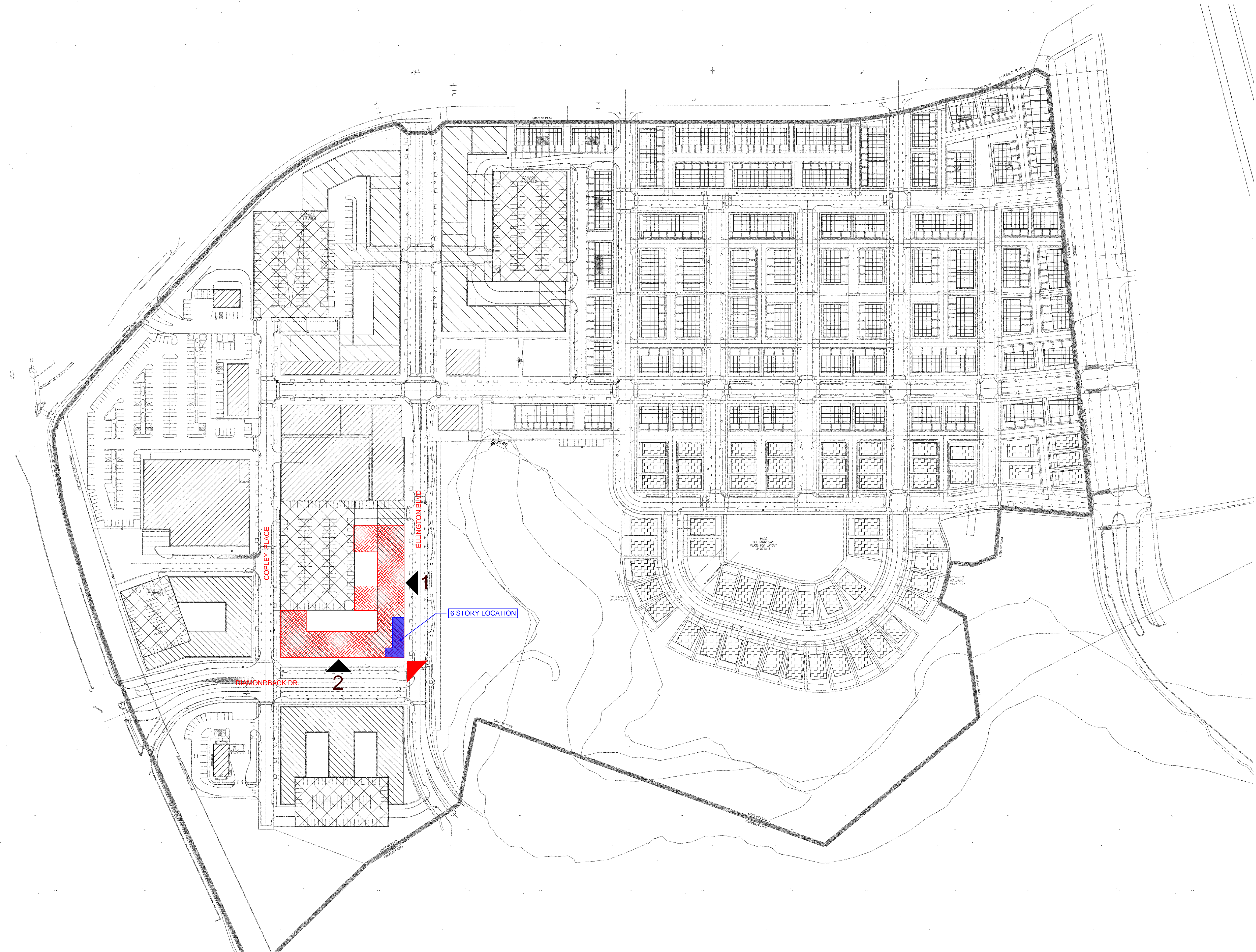
Landscape Architect

Khristine Giangrandi - *Senior Associate*
Nurain Rafee - *Designer*



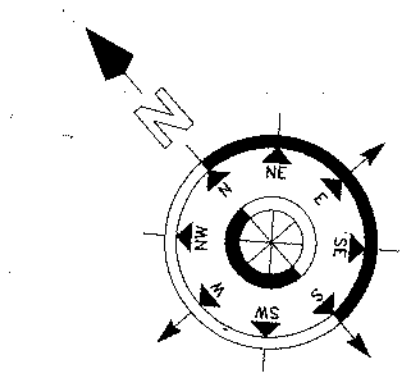
Civil

Nicholas Speach - *Senior Project Manager*
Mira Ganzert - *Program Manager*



01 BUILDING HEIGHT EXHIBIT

- 5-8 STORY MULTIFAMILY OVER 1 STORY COMMERCIAL
 - 5 STORY MULTIFAMILY
 - 1-2 STORY COMMERCIAL
 - 4 - 5 STORY PARKING STRUCTURE
 - 2 - 3 STORY SINGLE FAMILY HOME
 - 3 - 4 STORY TOWNHOUSE
 - 4 STORY TOWNHOUSE
- 5-6 Story Multi-family



CITY OF GAITHERSBURG MAYOR & COUNCIL
 31 SOUTH SUMMIT AVENUE, GAITHERSBURG, MARYLAND 20877

SCHEMATIC DEVELOPMENT PLAN APPROVAL

AT THE REGULARLY SCHEDULED MEETING OF THE MAYOR AND CITY COUNCIL HELD ON APRIL 4, 2011 WAS GRANTED SCHEMATIC DEVELOPMENT PLAN APPROVAL BY RESOLUTION R-28-11 WITH FIVE (5) CONDITIONS DATE 5/5/11 BY R. Roberts III

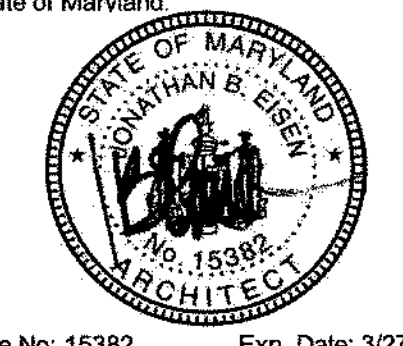
NOTE: ANY REVISIONS TO SIGNED PLANS MUST BE REAPPROVED BY THE MAYOR & CITY COUNCIL

ARCHITECT AND PLANNER



TEG | THE EISEN GROUP
 623 H ST NW - 2ND FLOOR
 WASHINGTON, DC 20001 202.595.1900

Professional Certification:
 I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional architect under the laws of the State of Maryland.



License No: 15382 Exp. Date: 3/27/2012

CIVIL ENGINEER



VIKI, INC.
 20251 CENTURY BLVD.
 SUITE 400
 GERMANTOWN, MD 20874

LANDSCAPE ARCHITECT

OWNER:



SUNBROOK PARTNERS
 7200 WISCONSIN AVE
 SUITE 750
 BETHESDA, MD 20814

PROJECT: **CROWN FARM**
 LOCATION: **GAITHERSBURG, MARYLAND**

SCALE:

DATE: MARCH 1, 2011

PROJECT #: 10-101

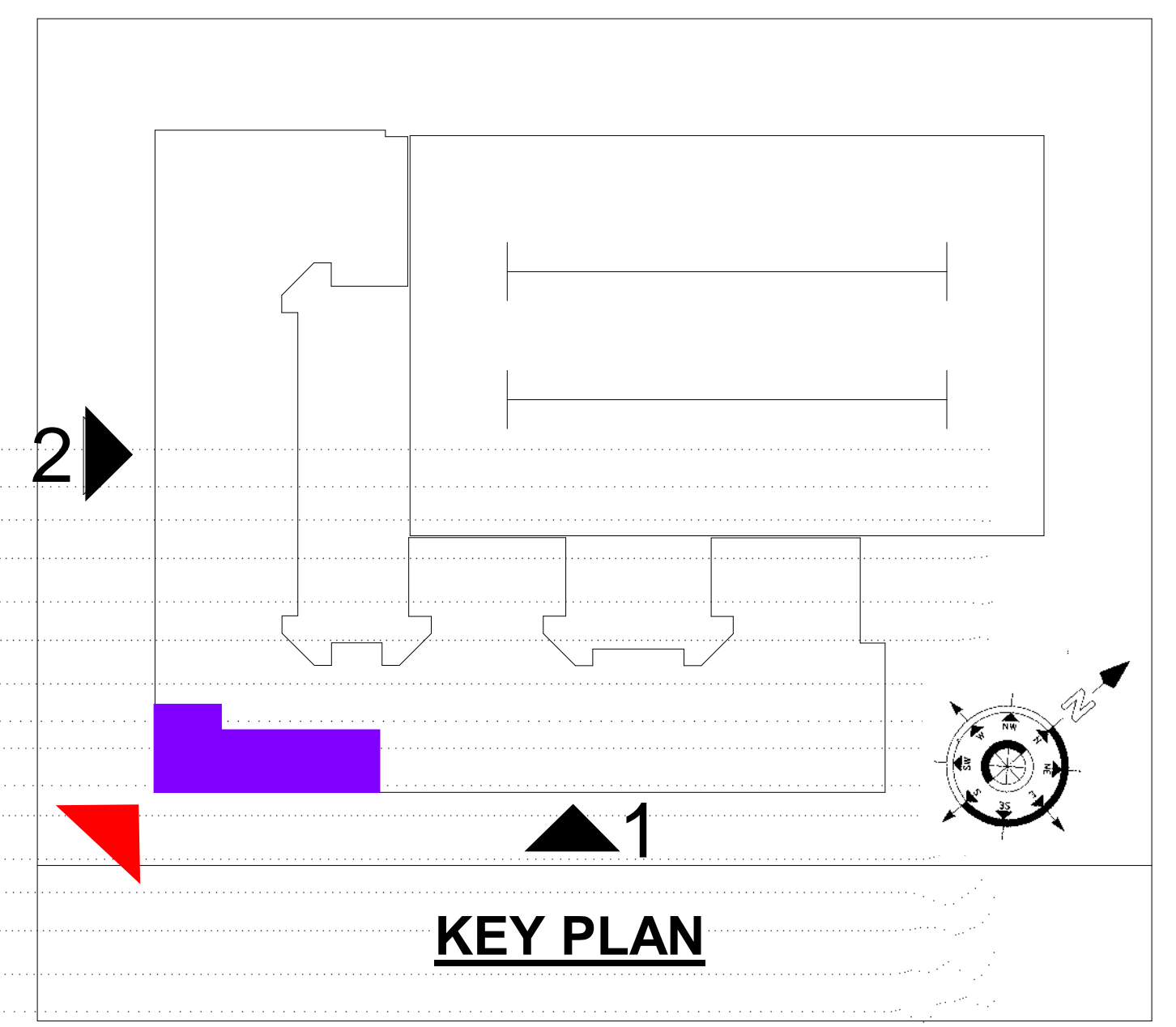
REVISIONS:

- SDP RESUBMITTAL 1-4-11
- SDP RESUBMITTAL 1-18-11
- SDP RESUBMITTAL 3-1-11

DRAWING TITLE:
BUILDING HEIGHT EXHIBIT

SHEET TITLE:

88 OF 96



2 **SOUTHWEST ELEVATION - DIAMONDBACK DRIVE**
 3/32" = 1'-0"



1 **SOUTHEAST ELEVATION - ELLINGTON BOULEVARD**
 3/32" = 1'-0"

CONCEPTUAL- FOR ILLUSTRATION ONLY

| ISSUE | DATE | DESCRIPTION | INCLUDED |
|------------|---------------------------------|-------------|----------|
| 11/16/2020 | SCHEMATIC DESIGN SUBMISSION | | |
| 01/13/2021 | 1ST SITE PLAN SUBMISSION | | |
| 02/02/2021 | 2ND SITE PLAN SUBMISSION | | |
| 02/02/2021 | 2ND SCHEMATIC DESIGN SUBMISSION | | |

| REVISION | DATE | DESCRIPTION | REV |
|----------|------|-------------|-----|
| | | | |

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BUILDING ELEVATIONS

JOB NUMBER: 193802

DRAWN BY: Author
 CHECKED BY: Checker

A4- 01



1ST FL

1ST FL

CROWN FARM APARTMENTS

Jasmine Forbes

From: Jasmine Forbes
Sent: Monday, February 22, 2021 11:46 AM
To: 'Dianne Thron'
Subject: RE: Follow up

Good Morning Dianne,

In my previous email I had mention that the application will go back to the Planning Commission for recommendation on March 3rd. I meant to state that the application will go back to the Planning Commission on March 3rd for final action.

Regards,
Jasmine

From: Jasmine Forbes
Sent: Thursday, February 18, 2021 12:59 PM
To: 'Dianne Thron' <diannethron@gmail.com>
Subject: RE: Follow up

Good Afternoon,

Thank you for your correspondence related to Amendment to Schematic Development Plan application ASDP-8733-2020. Your email will be added to the public record for this application as Exhibit #13. The Planning Commission will have their recommendation on March 3rd. If you have any other questions, please let me know.

Regards,
Jasmine Forbes



Jasmine Forbes, Planner II
Planning and Code Administration

City of Gaithersburg | 31 South Summit Avenue | Gaithersburg, MD, 20877
Direct: 240-805-1069 | Main: 301-258-6330 | www.gaithersburgmd.gov
Jasmine.Forbes@gaithersburgmd.gov

From: Dianne Thron <diannethron@gmail.com>
Sent: Thursday, February 18, 2021 12:29 PM
To: Jasmine Forbes <Jasmine.Forbes@gaithersburgmd.gov>
Subject: Follow up

This email is from an EXTERNAL source. Please use caution when opening attachments, clicking links, or responding.

Good Afternoon,

As a quick follow-up to our conversation, i would like to officially note my concerns about the project at 333 Ellington.

The immediate issue I see is the increase of 5 to 6 floors (even if stated only in the corner) and staying within the 75' height requirement). This sounds like a simple side note, however the visual of the building does not fit with the neighborhood and adding a 6th floor increases the size, even if just on the corner, by 20%. I'm truly concerned that due diligence by the Developer/Architect was done and adding this in could be the beginning of more changes. Again, saying it's still within the 75' is great, however, the 'need' to add an extra floor should have been already determined and is not part of the site plan. If the building needs to be 5 floors at the corner and 4 stories the rest, then it should be. I don't think a bad survey should benefit the developer.

In addition and concerning is that at the corner of Ellington and Diamondback the ground is in process of being built up. There is new dirt (I believe that's what is under the ice) with a temporary retaining wall/fencing on that corner.

Because of the reputation of the Developer, this is of great concern. If the ground is leveled and the 'slope' that has been referred to several times goes away, the developer now has a 6th floor.

I would appreciate it if the Council takes serious consideration to this before simply accepting that a 6th floor is allowed.

Thank you,
Dianne Thron
Copley
DianneThron@gmail.com

Jasmine Forbes

From: Dianne Thron <diannethron@gmail.com>
Sent: Thursday, February 18, 2021 6:30 PM
To: Jasmine Forbes
Subject: Re: Traffic

This email is from an EXTERNAL source. Please use caution when opening attachments, clicking links, or responding.

I just reviewed the document for a bit and the CCT is referenced in the traffic plan. Now that's gone, we need to do a new study. Please bring this up to the council. I don't want to have the cost and hassles of lawyers, but this must be examined.

On Thu, Feb 18, 2021, 10:46 AM Jasmine Forbes <Jasmine.Forbes@gaitthersburgmd.gov> wrote:

Good Morning,

Thank you for your correspondence. A traffic impact study was completed based on the overall maximum development within Crown. As outlined in the annexation agreement, a new traffic impact study will not be required. The annexation agreement for Crown (paragraph 21(B)) precludes us from requiring additional traffic studies for the project. The roads were demanded adequate to serve the permitted Crown development at the time of annexation/sketch plan approval. In the attachment is the first annexation and second annexation agreement. A Planning Commissioner and other residents have voiced concerns about the traffic. Staff is currently working with the applicant to address these concerns.

Regards,

Jasmine

From: Dianne Thron <diannethron@gmail.com>
Sent: Thursday, February 18, 2021 9:58 AM
To: Jasmine Forbes <Jasmine.Forbes@gaitthersburgmd.gov>
Subject: Traffic

This email is from an EXTERNAL source. Please use caution when opening attachments, clicking links, or responding.

Good Morning Jasmine,

I literally woke from sleep last night and realized why I was so bothered with the traffic.

The traffic study was conducted when the Rapid Transit was to have a stop in Crown (I believe Ellington and Fields).

That project was cancelled.

[Montgomery County Corridor Cities Transitway project killed | wusa9.com](https://www.wusa9.com/story/montgomery-county-corridor-cities-transitway-project-killed/2017/05/11/)

The anticipated traffic was based on taking several cars off of the road in the neighborhood and beyond, by stopping this project and adding approximately 250 apartments, the traffic will be different.

I believe the City is moving too quickly with the approvals to build this building and it is vital that this information is exposed.

If you can't pass this to the council immediately (as it was not even mentioned last night) can you kindly tell me who I can reach out to?

Thank you,

Dianne Thron

Copley 1

(301) 704-8761

Jasmine Forbes

From: Jasmine Forbes
Sent: Monday, February 22, 2021 11:29 AM
To: 'Ralph Caudle'; Jud Ashman; Michael Sesma; Neil Harris; Laurie-Anne Sayles; Ryan Spiegel; Robert Wu
Cc: Crown Manager; Kenneth Roy
Subject: RE: Change to Schematic Plan for 333 Ellington Blvd

Good Morning,

Thank you for your correspondence related to Amendment to Schematic Development Plan application ASDP-8733-2020. The correspondence will be included in the Planning Commission's record for their consideration. The Planning Commission will make a final action on March 3rd. For clarification, the Applicant is requesting an additional story within the maximum 75 feet height allowed for the property. The additional story will be partially below grade at the corner of Diamondback Drive and Ellington Blvd. If you have any questions, please feel free to contact me.



Jasmine Forbes, Planner II
Planning and Code Administration

City of Gaithersburg | 31 South Summit Avenue | Gaithersburg, MD, 20877
Direct: 240-805-1069 | Main: 301-258-6330 | www.gaithersburgmd.gov
Jasmine.Forbes@gaithersburgmd.gov

From: Ralph Caudle <rcaudle@comsource.com>
Sent: Monday, February 22, 2021 10:32 AM
To: Jud Ashman <Jud.Ashman@gaithersburgmd.gov>; Michael Sesma <michael.sesma@gaithersburgmd.gov>; Neil Harris <Neil.Harris@gaithersburgmd.gov>; Laurie-Anne Sayles <Laurie-Anne.Sayles@gaithersburgmd.gov>; Ryan Spiegel <ryan.spiegel@gaithersburgmd.gov>; Robert Wu <robert.wu@gaithersburgmd.gov>; Planning External Mailing <Planning@gaithersburgmd.gov>
Cc: Crown Manager <crownmgr@comsource.com>; Kenneth Roy <kenneth_roy@mcafee.com>
Subject: Change to Schematic Plan for 333 Ellington Blvd

This email is from an EXTERNAL source. Please use caution when opening attachments, clicking links, or responding.

Dear Esteemed Mayo Jud Ashman, Council Vice President Michael A. Sesma, Council Members Neil Harris, Laurie-Anne Sayles, Ryan Spiegel, Robert T. Wu and Planning Commissioners Danny Winborne, Lloyd Kaufman, Sharon Cantrell, Mathew Hopkins, Phillip Wessel and John Bauer:

Attached is a letter from Kenneth Roy, President of the Copley at Crown Condominium a 128 unit condominium located at 502, 506 & 510 Diamondback Drive, Gaithersburg, Md. 20878 voicing the homeowners opposition to the amendment of the Schematic Development Plan for the parcel of land located in the Crown Neighborhood adjacent to the Copley Condominium.

Regards,

Ralph Caudle CMCA®, PCAM®

Senior Community Manager

Comsource Management AAMC®
3414 Morningwood Drive
Olney, Maryland 20832

301-924-7355 x145 office
301-924-7340 fax
rcaudle@comsource.com
www.comsource.com

Please tell us, how did we do for you today?



Your feedback is valuable and will only take 5 seconds.
Click or tap the rating which best represents your experience

Please take advantage of our new management tool, SOURCELINK.

Sourcelink enables you as a homeowner to look up your account information and receive e-mails about your associations' events and services. By signing up today, this will save your association in postage, printing as well as mailing costs. Please contact client services to obtain your registration information by e-mail clientservices@comsource.com.

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THE COPLEY AT CROWN CONDOMINIUM

February 22, 2021

City of Gaithersburg
City Hall
31 South Summit Avenue
Gaithersburg, MD 20877

Sent via email: Jud.Ashman@gaithersburgmd.gov; Michael.Sesma@gaithersburgmd.gov;
Neil.Harris@gaithersburgmd.gov; Laurie-Anne.Sayles@gaithersburgmd.gov;
Ryan.Spiegel@gaithersburgmd.gov; Robert.Wu@gaithersburgmd.gov;
planning@gaithersburgmd.gov

Dear Esteemed Mayor Jud Ashman, Council Vice President Michael A. Sesma, Council Members Neil Harris, Laurie-Anne Sayles, Ryan Spiegel, Robert T. Wu and Planning Commissioners Danny Winborne, Lloyd Kaufman, Sharon Cantrell, Mathew Hopkins, Phillip Wessel, and John Bauer,

We are writing this letter on behalf of the Copley at Crown Condominium Association located within the Crown Neighborhood. Our association represents 128 households. The Crown Neighborhood encompasses several different homeowners associations, apartment buildings and commercial buildings.

It has come to our attention that a developer, Fairfield Residential, has submitted the following request to amend the Schematic Development Plan for a parcel of land located in the Crown Neighborhood and adjacent to our homeowners.

ASDP-8733-2020: 333 Ellington Blvd, Amend Crown Neighborhood One Schematic Development Plan SDP-11-001 in the MXD (Mixed Use Development) Zone, AMENDMENT TO SCHEMATIC DEVELOPMENT PLAN.

The developer is requesting to increase their proposed apartment building from the currently approved schematic plan of a 5-story building to a 6-story building.

This letter is to confirm that our Homeowners adamantly oppose any change in the schematic plan to increase the number of stories. Our homeowners purchased their homes based on the 5 story limitations that were set in place for the parcel in question. The additional story will block site lines, impede upon solar setbacks, negatively impact views, and diminish the value of our member's homes. These homes were purchased based on representations from the original

developers of Crown as approved by the City of Gaithersburg Schematic Development Plan. These representations were solidified within Crown's Development Covenants, Restrictions and Regulations. As such, the five-story limitation effectively placed a deed restriction for the proposed development parcel. Allowing Fairfield Residential to increase their proposed building from 5 stories to 6 stories is a clear violation of these covenants, restrictions, and regulations and requires a change of the association's by laws to do so. Any change to these covenants would require approval of all the homeowners located within the Crown neighborhood. If the Planning Commission were to amend the schematic development plan for the benefit of Fairfield Residential, they would be effectively allow Fairfield to bypass the covenants, regulations and restrictions protections afforded to all Crown homeowners therefore violating both federal and state homeowners protection laws.

In addition, this project is too large for the current infrastructure design. We understand that a traffic study was performed approximately 10 years ago when the development plan was put in place for a Five story building. That traffic study accounted for a reduction in vehicle traffic directly related to a transit station for the proposed Corridor Cities Transitway (CCT) that was meant to be used by residents and to be located adjacent to the proposed project at the intersection of Ellington Drive and Fields Road. The CCT project was officially terminated by The State of Maryland and therefore, there will be no traffic reduction as indicated in the current traffic study. This means the current traffic study is not accurate and the site is not be suitable to accommodate the proposed project.

Based upon the information stated above, we encourage you to deny Fairfield Residential's request to amend the schematic plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth Roy", written in a cursive style.

Kenneth Roy

President of the Copley at Crown Condominium