
MEMORANDUM TO: The Planning Commission
FROM: Jasmine Forbes, Planner
DATE: February 17, 2021
SUBJECT: Preliminary Background Report
ASDP-8733-2020 – 333 Ellington Boulevard

APPLICANT:
Byan Condie
FRH Realty, LLC.
3330 Cumberland Blvd
Atlanta, Georgia, 30339

OWNER:
VII Crown Farm Owner, LLC. c/o Sunbrook Partners
Linowes and Blocher, LLP
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ATTORNEY:
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ARCHITECT:
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Dwell Design Studio
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McLean, Virginia, 22102

TAX MAP REFERENCE:
ID #: 16-0903702306
Block A, Lot 3

REQUEST:

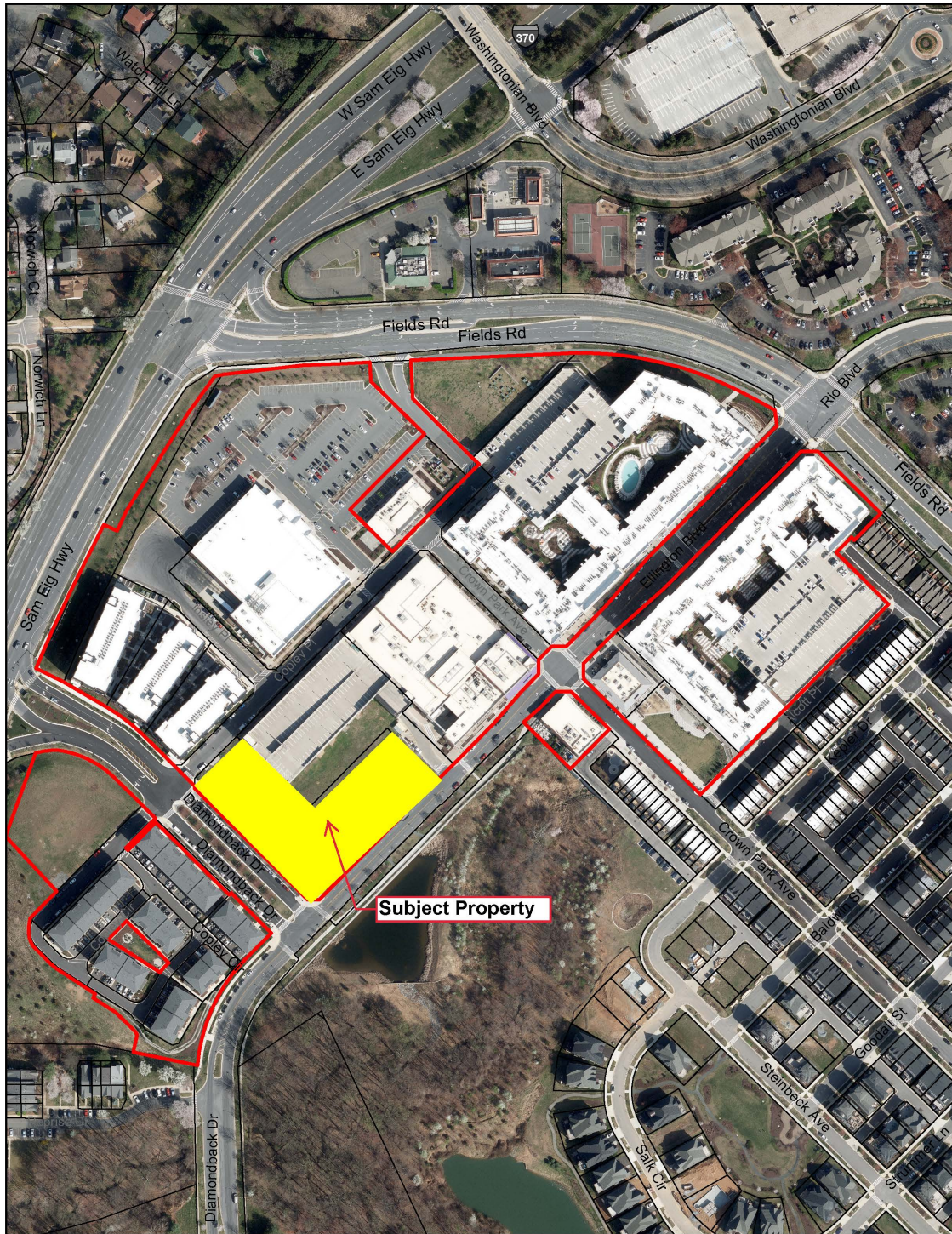
Application ASDP-8733-2020 has been filed requesting an amendment to the Schematic Development Plan for 333 Ellington Boulevard (Subject Property).¹ The Applicant is requesting to amend previously approved Schematic Development Plan SDP-11-001 to include an additional story in the overall maximum building height allowance of 75 feet for a new multi-family building².

¹ Exhibit #1

² Exhibit #2

LOCATION:

The Subject Property is located at 333 Ellington Boulevard, which is at the corner of Diamondback Drive and Ellington Boulevard. The Subject Property is part of the Crown Neighborhood One development.



Location Map

PROJECT BACKGROUND

Application ASDP-8733-2020 was filed on December 29, 2020 by Bryan Condie of FRH Reality, LLC. The application was presented to the Mayor and City Council as a courtesy review during their January 19, 2021 regular meeting, pursuant to § 24-198(C)(2) of the City Code. During the courtesy review, the Council deemed the application to have a minor effect and directed the Planning Commission to hold the public hearing and make a final decision on the amendment. Currently a final site plan application has been submitted and is being reviewed by staff. The final site plan will be presented and reviewed by the Planning Commission at a subsequent meeting.

REQUIRED ACTIONS

Approval of ASDP-8733-2020, by the Planning Commission is dependent upon the findings required under § 24-160D.10 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 affirming that this application for amendment continues to comply with the purpose and intent of the MXD Zone and with the master plan.

ANNEXATION

The Mayor and City Council approved the Crown Farm annexation application, X-182, into the City of Gaithersburg on August 7, 2006 by resolution R-82-06. In addition to the annexation approval, the Mayor and City Council also established MXD (Mixed Use Development) zoning for the Crown Farm Development and approved the associated sketch plan by ordinance O-8-06. The approved sketch plan, Z-310, was based upon and further defined by the approved X-182 Annexation Agreement.

The Z-310 sketch plan and agreement established a mix of uses including 2,250 residential units in a variety of dwelling unit types and 320,000 square feet of commercial/retail development, divided among six (6) Neighborhoods. Two (2) of the Neighborhoods would have neither housing nor commercial components; one is a future Montgomery County school site (Neighborhood 6) and other a City Park (Neighborhood 4).

Application Z-315 and 2nd X-182 Annexation Agreement⁴:

Following the purchase out of bankruptcy, the new owners VII Crown Farm Owner LLC negotiated with the City a second amendment to the X-182 Annexation Agreement and received approval for a new sketch plan. The Z-315 application, approved December 6, 2010 by ordinance O-27-10 proposed a re-distribution of housing units and types, with an increase in single family units, among the original neighborhoods established by the Z-310 Sketch Plan. The boundaries of the six neighborhoods were changed with a noted increase to Neighborhood 2 and a decrease to Neighborhood 5. The maximum cap of 2,250 overall residential units and 320,000 square feet of commercial, a City Park, and future school site on approximately 180 acres of land to be divided into six (6) neighborhoods remained unchanged from the original X-182 annexation and Z-310 Sketch Plan. This Z-315 application reflected the changes that were incorporated into the 2nd Amended X-182 Annexation Agreement, negotiated between the City and VII Crown Farm Owner, LLC.

⁴ Exhibits #5 and 6

NEIGHBORHOOD 1 - MIXED-USE
 UP TO 8 STORIES

COMMERCIAL: 235,000 - 300,000 gross square feet

SINGLE FAMILY ATTACHED
 AND MULTIFAMILY: 650 - 1200 UNITS



NOTES:
 1. Heights are expressed in stories as follows*:
 Neighborhood 1 – up to 8 Stories
 Neighborhoods 2 and 3 – up to 4 Stories
 Neighborhood 5 – up to 20 Stories

Sketch Plan Z-315 Land Use Map

As it relates to SDP-7354-2016, Z-315 approved the following:

TOTAL MAXIMUM DENSITY

320,000 GSF OF COMMERCIAL
2,250 MULTIFAMILY, SINGLE FAMILY ATTACHED
AND DETACHED UNITS

NEIGHBORHOOD 1 - MIXED-USE

UP TO 8 STORIES
COMMERCIAL: **235,000 - 300,000 gross square feet**
SINGLE FAMILY ATTACHED
AND MULTIFAMILY: **650 - 1200 UNITS**
ACREAGE: 41+/-

NEIGHBORHOOD 2

UP TO 4 STORIES
SINGLE FAMILY ATTACHED AND DETACHED AND
MULTIFAMILY : **320 - 420 UNITS**
ACREAGE: 53+/-

NEIGHBORHOOD 3

UP TO 4 STORIES
SINGLE FAMILY ATTACHED AND DETACHED AND
MULTIFAMILY : **300 - 440 UNITS**
ACREAGE: 46+/-

NEIGHBORHOOD 4 - CITY PARK

ACREAGE: 5.7+/-

NEIGHBORHOOD 5 - MIXED-USE

UP TO 20 STORIES
COMMERCIAL: **10,000 - 85,000 gross square feet**
SINGLE FAMILY ATTACHED AND
MULTIFAMILY: **300 - 900 UNITS**
ACREAGE: 5+/-

NEIGHBORHOOD 6 - SCHOOL SITE

ACREAGE: 32.1

Sketch Plan Z-315 Density Chart

MASTER PLAN AND SITE PLAN HISTORY

Master Plan

The Crown development was included in the 2003 Master Plan as Special Area 4. Even though recommendations for this site was not completed, there was public input received at the charrette for the future vision of the Crown Farm development. At the time of the 2003 Master Plan, Crown Farm was not part of the City and the property owners began the process of seeking annexation into the City in 2005. The development was also included as part of the 2009 Land Use Plan as Map Designation 21. The Master Plan recommended that Crown Farm development retain the mixed use designation and zoning remains MXD (Mixed Use Development). The Land Use Element of the 2009 Master Plan designated the land use for the Crown development as Mixed Use.

Site Plan

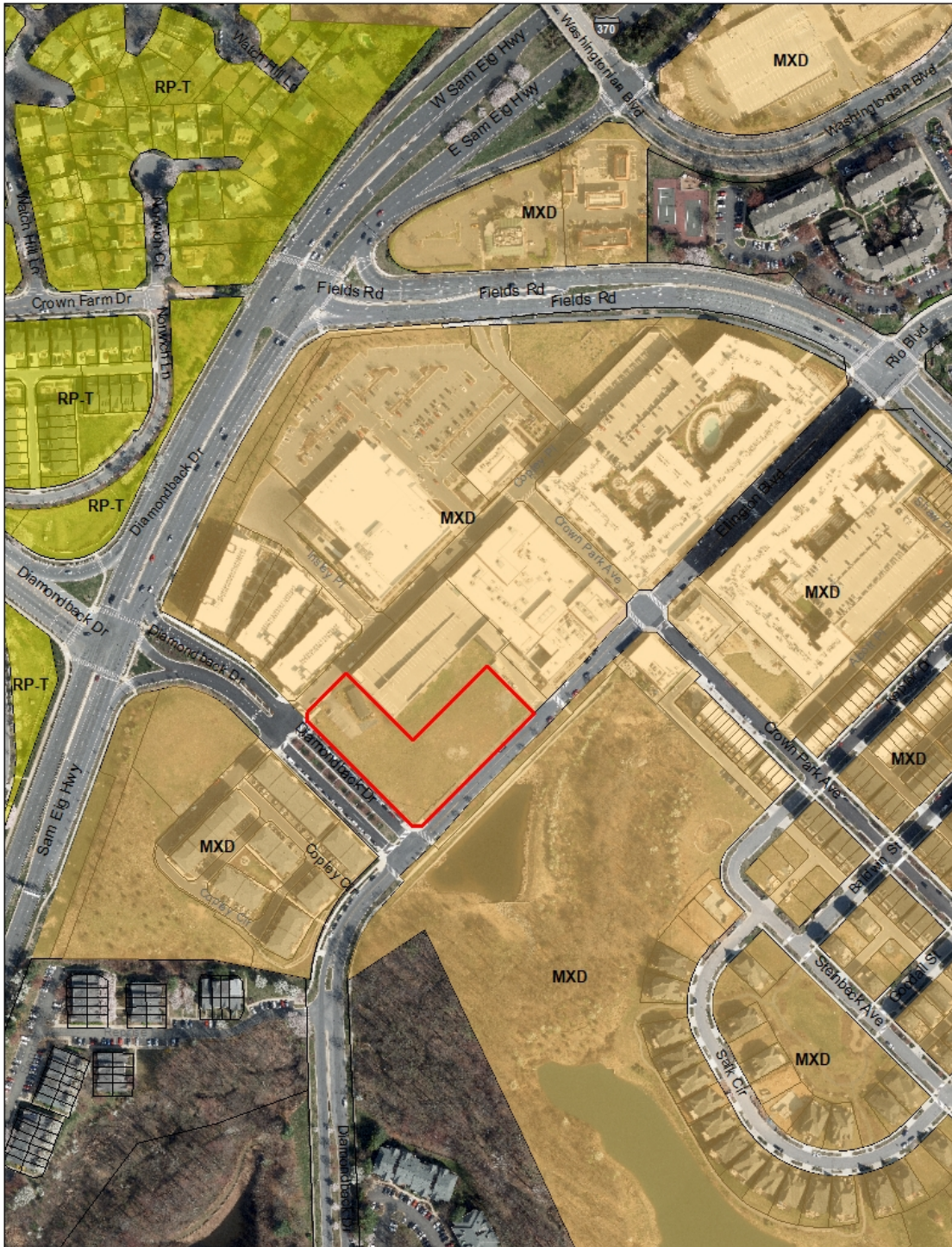
Schematic Development Plan (SDP) application SDP-11-001 was submitted in accordance with Z-315 and approved on April 4, 2011 by resolution R-28-11. That SDP approved Neighborhoods 1 and 2 of the Crown development. The following is a list of schematic development plans amendments for Crown Neighborhood One:

- SDP-1842-2013: Neighborhood 1 conversion of a multi-family rental to seventy (70) 2-over-2 condominium units, approved by Resolution R-45-13 on June 17, 2013;
- ASDP-7049-2015 : The Crown Lofts Condominiums approved by Resolution PCR-ASDP-7049-2015 on July 2015; and
- SDP-8069-2018: Four story office building with ground floor retail at 10002 Fields Road, approved on September 3, 2019 by Resolution R-59-19.

Neighborhood 2 and the commercial core of Neighborhood 1 received final site approvals as SP-11-0011 (approved September 7, 2011) and SP-11-0012 (approved January 18, 2012) respectively. Since those approvals, all but one parcel in Neighborhoods 1 and 2 have received final site plan approval and are either under or have completed construction.

SURROUNDING LAND USE/ PHYSICAL CHARACTERISTICS

The development is surrounded by commercial and residential uses to the north, east and west. The properties to the north, south, east, west is zoned MXD (Mixed Use Development).



Zoning Map

ADEQUATE PUBLIC FACILITIES ORDINANCE (APFO)

In accordance with § 24-244, "Applicability" the Crown Property is not subject to the APFO requirements as it is governed by an annexation agreement prior to the effective date of the Article; however, the following is noted:

Traffic Impacts

The X-182 annexation application included a Traffic Impact Analysis, performed by The Traffic Group Inc. Following annexation, this document continued to be further refined and more data added. The latest Traffic Impact Analysis was completed July 26, 2006. This document defined those intersections that may need mitigation as a result of the proposed development.

As part of the approved Z-315 Sketch Plan, an Off-Site Road Improvement Plan was submitted. This plan is based upon the findings in the July 26, 2006 Traffic Impact Analysis. The plan would mitigate those impacts identified in the analysis. These improvements would occur on both Montgomery County and Maryland State owned and maintained roads and as such, the State Highway Administration and Montgomery County Department of Public Works & Transportation have final review and approval of the proposed improvements and may choose not to perform the actions. The Applicant has bonded the cost of the proposed following improvements in accordance with following X-182 provision:

"Crown Village agrees to provide Gaithersburg with a bond, letter of credit or other security (the "Guarantee") in an amount which covers the design, engineering, and construction costs only of the Off-Site Road Improvement(s) in question and to construct the Off-Site Road Improvement(s) in question within a five (5)-year period from the date Crown Village posts the Guarantee with Gaithersburg but only if the required governmental approvals and rights-of-way are available...

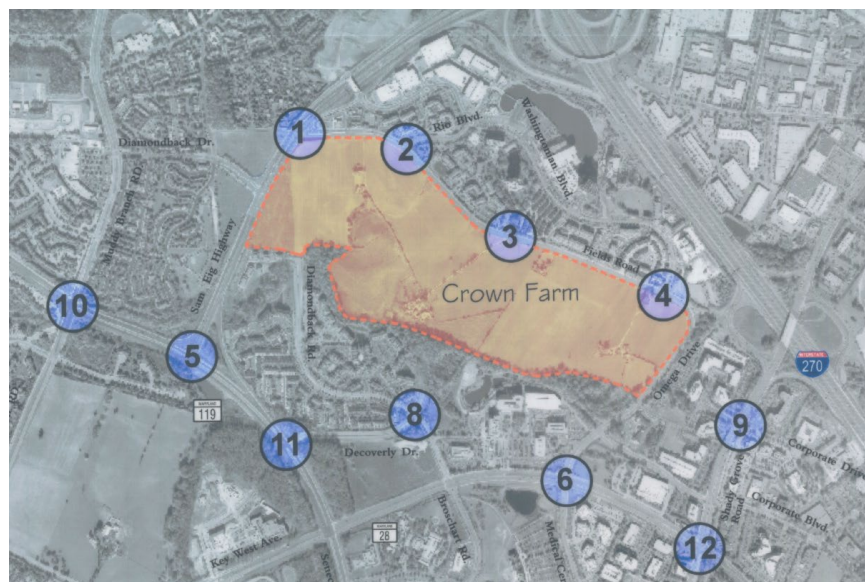
Should the approvals and/or rights-of-way not be available within the five (5)-year period, Crown Village shall not be obligated to construct the Off-Site Road Improvements in question but agrees to pay an amount equal to the amount of the Guarantee to Gaithersburg for use by Gaithersburg for the Off-Site Improvement(s) in question or such other transportation improvements related to the Permitted Development as Gaithersburg may determine..."

Improvements:

1) *The applicant will commence the construction of, or participate in the cost of construction of, the following improvements by the issuance of the 100th residential building permit or the commencement of construction of 50,000 square feet of Commercial Retail Development:*

i) *Sam Eig Highway and Fields Road Improvements, including additional turn lanes, lane widening, and installing roundabouts. (Improvements 1-4)*

- ii) MD 119 (Great Seneca Highway) and Sam Eig Highway Road Improvements (Improvement 5)
 - iii) Shady Grove Road and Darnestown Road Improvements (Improvement 7)
 - iv) 119 (Great Seneca Highway) and Muddy Branch Road Improvements (Improvement 10)
- 2) The applicant will commence the construction of, or participate in the cost of construction of, by the earlier of the issuance of the 250th residential building permit or the commencement of construction of 100,000 square feet of Commercial Retail Development:
- i) Diamondback Drive and Discoverly Drive Road Improvements (Improvement 8)
 - ii) MD 119 (Great Seneca Highway) and Discoverly Drive Road Improvements (Improvement 11)
 - iii) Extend auxiliary lane from Sam Eig Highway back to Discoverly Drive (Improvement 11)
- 3) The applicant will commence the construction of, or participate in the cost of construction of, the following improvements by the issuance of the 500th residential building permit or the commencement of construction of 200,000 square feet of Commercial Retail Development:
- i) MD 28 and Omega Drive – Medical Center Drive Road Improvements (Improvement 6)
 - ii) Shady Grove Road and Corporate Drive Road Improvements (Improvement 9)
 - iii) Extend auxiliary lane from I-270 ramp southerly to Corporate Drive (Improvement 9)
 - iv) MD 28 and Shady Grove Road Improvements (Improvement 12)



Sketch Plan Z-310: Off-Site Roads Improvement Plan

Adequacy of School Capacity

The Crown development is located in the Gaithersburg Cluster of the Montgomery County Public School (MCPS) system. Students generated by this development will attend Rosemont Elementary School, Forest Oak Middle School and Gaithersburg High. No schools are currently in moratorium.

Water and Sewer Services and Public Utilities

The Subject Property is currently served by water and sewer categories W-3 and S-3 respectively.

Fire and Emergency Services

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 Crown development is located with a ten-minute response time of the following fire stations:

- Station 8 (Gaithersburg/Washington Grove- Montgomery Village Avenue)
- Station 31 (Rockville)
- Station 32 (Travilah)

ASDP-8733-2020 AMENDMENT TO SCHEMATIC DEVELOPMENT PLAN⁵

The Applicant is requesting to amend previously approved Schematic Development Plan SDP-11-001 to include an additional story in the overall height allowance for a multi-family building located at the corner of Diamondback Drive and Ellington Boulevard. On April 4, 2011, the Mayor and City Council approved Schematic Development Plan SDP-11-001 for the Crown Neighborhood One development. The SDP plan specified the Subject Property as a five-story multi-family building with a maximum height of 75 feet. Due to the existing grades on the property, a small corner of the building will be partially below grade. The space that is below grade will contain uses associated with the multi-family buildings, such as leasing office, mailroom and fitness center. Pursuant to the City Code, a basement shall be counted as a story if it is used for business or dwelling purposes. In this situation, the basement would be considered a story and counts towards the maximum five-stories permitted on the approved SDP. Therefore, the Applicant is requesting to amend the previously approved Schematic Development Plan to permit the additional story but is not requesting approval to increase the maximum height of 75 feet.

⁵ Exhibit #3

SUMMARY

Staff at this time is not providing a formal recommendation. A Staff recommendation will be provided prior to the Planning Commission's final action. For the purpose of concluding the public hearing, Staff recommends that the Planning Commission make a motion to close the public hearing and hold the record open till 5:00 PM on February 25, 2021 (8 Days), with anticipated final action at the March 3rd Planning Commission meeting.