
MEMORANDUM TO: Planning Commission

FROM: Jasmine Forbes, Planner

DATE: February 26, 2021

SUBJECT: Final Staff Analysis
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
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ATTORNEY:
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ARCHITECT:
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McLean, Virginia, 22102

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

REQUEST:

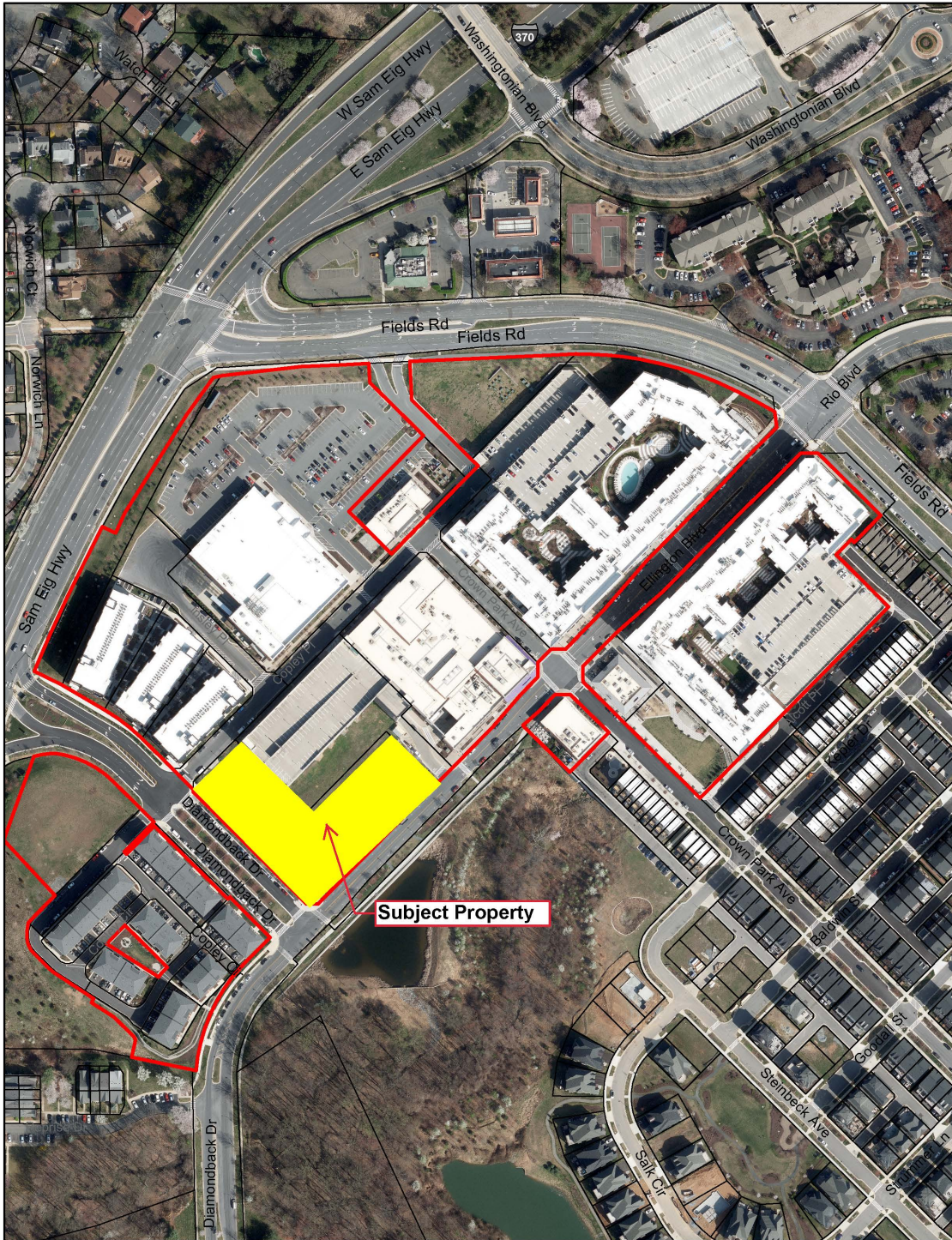
Application ASDP-8733-2020 has been filed requesting an amendment to the Schematic Development Plan for 333 Ellington Boulevard (Subject Property).¹ The Applicant is requesting to amend previously approved Schematic Development Plan SDP-11-001 to include an additional story within the overall maximum 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

BACKGROUND

The Applicant, Bryan Condie of FRH Reality, LLC., submitted Amendment to Schematic Development Plan application ASDP-8733-2020 to amend previously approved Schematic Development Plan SDP-11-001 to include an additional story within the overall height allowance for a multi-family building located at the corner of Diamondback Drive and Ellington Boulevard. A public hearing for ASDP-8733-2020 was held on February 17, 2021, allowing email and mailed public comments to be provided to the City, as the hearing was held subsequent to the Governor's Emergency Orders, dated March 5 and March 12, 2020, prohibiting large public gatherings based on the Declaration of Public Emergency regarding the Coronavirus (COVID-19) pandemic announced by the World Health Organization and the U.S. Center for Disease Control, as well as the City's March 17, 2020 closure of all City buildings to public access in accord with the Governor's Emergency Orders. There was no testimony from the public during the course of the hearing. At the conclusion of the hearing, the Planning Commission announced, by motion, the closing of their record on February 25, 2021 with final action scheduled for March 3, 2021.

At the time of the Planning Commission's record closing three additional written comments in opposition of the subject application have been received into the record³. In response to the comments received, the Applicant has submitted a response letter which is Exhibit #17 in the application packet. Information presented at the February 17, 2021 meeting, including zoning and site plan history, public facilities and the application reviewed can be found in the Preliminary Background Report⁴.

ASDP-8733-2020- AMENDMENT TO SCHEMATIC DEVELOPMENT PLAN

The Applicant is requesting to amend previously approved Schematic Development Plan SDP-11-001 to include an additional story within 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.

³ Exhibits #13, 14, and 15

⁴ Exhibit #16

Prior to the record closing, Staff has received correspondence in opposition to the project (Exhibits #13, 14, and 15). In response to these concerns, the Applicant has provided a response letter (Exhibit #17). The Applicant's letter notes that the proposed additional story will be within the maximum seventy-five feet in height permitted for the Subject Property. The additional story will be used for the leasing office and other business use associated with the multi-family building. The Applicant also notes that the Crown Declaration of Covenants, Conditions and Restrictions is a private covenant put in place by the declarant and the City is not a party to it. Still it is noted that the Crown Declaration of Covenants, Conditions and Restrictions does not restrict the permissible number of stories or feet in the height at the Subject Property and does not require an amendment or the approval of any homeowners to implement the proposed plan.

Staff is also aware of concerns related to traffic and pedestrian safety. The Applicant's response letter and public hearing presentation, does note they are also aware of the concerns from the community about pedestrian safety. The Applicant has stated that they will continuing to have conversations with the City and the master developer regarding traffic and pedestrian safety.

Staff Comments

Staff is supportive of the Amendment to Schematic Development Plan ASDP-8733-2020. The proposed plan is in conformance with approved Sketch Plan Z-315, which permits a maximum of eight stories in Neighborhood One. The plan is also in conformance with the building footprint and maximum seven-five feet in height, which was approved as part of Schematic Development Plan SDP-11-001. The proposed story will be partially below grade and will improve the visually look of the building. The proposed plan will not adversely impact the character of Crown and the adjacent properties and is the part of the continuation of development within the Crown development. Additionally, the proposed plan furthers the vision and goals of the Crown development by providing a vibrant and walkable mixed-use community.

STAFF FINDINGS, ANALYSIS AND RECOMMENDATION

FINDINGS:

Approval of ASDP-8733-2020, by the Planning Commission is dependent upon the findings required under § 24-160D.10(b) of the City Code. The following outlines the required findings and justifications for a Planning Commission approval of application ASDP-8733-2020.

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

The plan is consistent with approved Sketch Plan Z-315. The sketch plan approved Neighborhood One to consist of 235,000 to 300,000 gross square feet of commercial uses, 650 to 1,200 dwelling units (single-family attached or multi-family) and building heights up to eight (8) stories. The proposed plan is for a 5-6 story multi-family building within the maximum allowed seventy-five (75) height.

The proposed change is within the maximum of eight (8) stories established by the Sketch Plan for Neighborhood One.

(2) The plan meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone:

- (a) Application ASDP-8733-2020 will be developed with a multi-family building, which is in conformance with approved Sketch Plan Z-315 and Schematic Development Plan SDP-11-001.
- (b) Application ASDP-8733-2020 will continue development of the existing attractive and cohesive mixed-use community by locating new development within the existing infrastructure.
- (c) Application ASDP-8733-2020 will be developed in one phase and there will be adequate public facilities to support the overall development.
- (d) Application ASDP-8733-2020 will provide a 5-6 story multi-family building which will be compatible and harmonious with the surrounding neighborhoods and buildings.
- (e) Application ASDP-8733-2020 encourages the efficient use of land by locating the residential units near employment and retail uses and reducing reliance upon automobile use with proximity to commercial uses. Lastly, the plan encourages pedestrian and other non-vehicular systems by connecting with approved and existing sidewalks within the Crown development.

(3) The plan is in accord with the area master plan and any accompanying special condition or requirements in said master plan for the area under consideration:

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 City's 2009 Master Plan designated the land use for the Crown development as Mixed Use.

The amendment is in conformance with the City's area master plan by continuing development of the Crown community by incorporating residential uses within a larger mixed-used development. The proposed multi-family building will be located within existing road networks that provide adequate circulation for vehicles and pedestrians, which is envisioned in the City's master plan.

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

The Application is compatible and harmonious with the existing and planned land uses in the MXD zone and adjacent areas. The proposed additional story will be partially below street grade and within the maximum seventy-five (75) height permitted for the Subject Property.

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

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

1. **Traffic Impacts-** The X-182 annexation agreement included a Traffic Impact Analysis, which defined intersections that may need mitigation as a result of the overall Crown development. As part of the approved Z-315 Sketch Plan, an Off-Site Road Improvement Plan was submitted and was based upon the findings in the Traffic Impact Analysis that was completed as part of annexation agreement X-182. These improvements would occur on Montgomery County and Maryland State owned and maintained roads.
2. **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.
3. **Water and Sewer Services and Public Utilities-** The Crown development is currently served by water category W-1 and sewer category S-1.
4. **Fire and Emergency Services-** The Crown development is located within a ten-minute response time of the following fire stations:
 - Station 8 (Gaithersburg/Washington Grove- Montgomery Village Avenue)
 - Station 31 (Rockville)
 - 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 construction of the building will be completed in one phase and will be connected to existing and approved facilities. Therefore, no staging or phasing is required for implementation of the plan.

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

The plan advances the overall Crown development vision by providing a vibrant and walkable mixed use community. The proposed plan will provide additional residential units, which will contribute to the City's overall housing stock. The proposed 5-6 story multi-family building will be compatible and harmonious with the surrounding neighborhoods and buildings. Lastly, the plan will not have any adverse impacts to existing development and adjacent properties.

STAFF RECOMMENDATION

Staff is supportive of the Amendment to Schematic Development Plan ASDP-8733-2020. The proposed plan is in conformance with approved Sketch Plan Z-315, which permits a maximum eight stories in Neighborhood One. The proposed plan is for a 5-6 story multi-family building within the maximum allowed seventy-five (75) height. The proposed plan is the continuation of development within Crown, therefore will not adversely impact the character of Crown and the adjacent properties. Additionally, the proposed plan furthers the vision and goals of the Crown development by providing a vibrant and walkable mixed use community.

Staff recommends THAT THE PLANNING COMMISSION, BASED ON THE EVIDENCE AND TESTIMONY SUBMITTED TO THE RECORD AND THE FINDINGS IN THE FINAL STAFF ANALYSIS, APPROVE AMENDMENT TO SCHEMATIC DEVELOPMENT PLAN, ASDP-8733-2020, AND ADOPT THE RESOLUTION.