



Gaithersburg

A CHARACTER COUNTS! CITY

PLANNING AND CODE ADMINISTRATION

City of Gaithersburg · 31 South Summit Avenue · Gaithersburg, Maryland 20877 · Telephone: (301) 258-6330 · Fax: (301) 258-6336
plancode@gaitersburgmd.gov · www.gaithersburgmd.gov

ZONING MAP AMENDMENT APPLICATION

All information must be complete to initiate processing of application

SUBJECT PROPERTY

Street Address or Location 35 S Summit Ave, Gaithersburg MD 20877 and 37 S Summit Ave, Gaithersburg, MD 20877

APPLICANT/BILLING CONTACT

Business Name N/A

Primary Contact Douglass Wagner

Street Address 37 S Summit Ave

Suite No. _____

City Gaithersburg

State _____

Maryland

Zip Code _____

20877

Telephone Numbers: Work _____

Cell 206-954-0102

E-mail Address _____

doughwagner@gmail.com

OWNER

Business Name N/A

Primary Contact Douglass Wagner

Street Address 37 S Summit Ave

Suite No. _____

City Gaithersburg

State _____

Maryland

Zip Code _____

20877

Telephone Numbers: Work _____

Cell 206-954-0102

E-mail Address _____

doughwagner@gmail.com

DEVELOPER

Business Name HOMEOWNER

Primary Contact _____

Street Address _____

Suite No. _____

City _____

State _____

Zip Code _____

Telephone Numbers: Work _____

Cell _____

E-mail Address _____

AMENDMENT METHOD: (complete information for only one method)

Standard Re-Zoning Method

Existing Zone R-90 Proposed Zone CBD Number of Acres to Re-Zone 0.66

Standard Re-Zoning Optional Method

Existing Zone _____ Proposed Zone _____

SITE DETAILS:

Site Area Sq. Ft.	_____	Commercial Sq. Ft.	_____	Number of Dwelling Units/Lot	_____
Site Area Acres	_____	Industrial Sq. Ft.	_____	Number of Dwelling Units/Acre	_____
Green Area Sq. Ft.	_____			Height of Tallest Building (Ft.)	_____
Green Area %	_____			Height of Tallest Building (Stories)	_____

MXD with Sketch Plan Method

Site Plan to Amend _____

Existing Zone _____ Proposed Zone _____

SITE DETAILS:

	Maximum	Minimum		Maximum	Minimum
Site Area Sq. Ft.	_____	_____	Number of Dwelling Units/Lot	_____	_____
Site Area Acres	_____	_____	Number of Dwelling Units/Acre	_____	_____
Green Area Sq. Ft.	_____	_____	Height of Tallest Building (Ft.)	_____	_____
Green Area %	_____	_____	Height of Tallest Building (Stories)	_____	_____
Commercial Sq. Ft.	_____	_____			
Institutional Sq. Ft.	_____	_____			

PROJECT DESCRIPTION

Application to amend the zoning map for subject parcels from R-90 to CBD. These properties are currently used for residential purposes, and it is the intent of the owners improve the primary private residence. The owners request to zone the properties as depicted in the current Gaithersburg Master Plan in support of any future development of the Frederick Avenue Corridor. No development projects are currently planned for the properties, rezoning maximizes residential development options and future opportunities.

See Next Page for Submission Requirements

THIS CHECKLIST IS A GENERAL GUIDE FOR ITEMS THAT ARE TYPICALLY REQUIRED FOR APPLICATIONS. PLEASE REFER TO CHAPTER 24, SECTION 196 (c) OF THE CITY CODE FOR COMPLETE REQUIREMENTS OR CONTACT PLANNING STAFF AT 301-258-6330 FOR FURTHER CLARIFICATION.

SUBMISSION REQUIREMENTS

- **Map or Plat, Five (5) hard copies, One (1) digital (DWF preferred) or PDF**
- **Legal Metes and Bounds, One (1) digital copy, PDF**
- **List of Affected Property Owners with Addresses, One (1) digital copy, PDF**
- **Applicant Statement**

If Optional Method Also Submit:

- **Site, Architectural and Detail Plan, Five (5) hard copies, One (1) digital copy (DWF preferred) or PDF**
- **Preliminary Affordable Housing Plan**
- **Preliminary Stormwater Management Plans, Three (3) hard copies, One (1) digital copy (DWF preferred) or PDF**
- **Preliminary Traffic Impact Study**
- **Other Planning Commission Requested Material**

If MXD Zone Also Submit:

- **Site, Architectural and Detail Plan, Five (5) hard copies, One (1) digital copy (DWF preferred) or PDF**
- **Concept Stormwater Management Plans, One (1) hard copy, One (1) digital copy (DWF preferred) or PDF**
- **Approved NRI and FSD Plans, One (1) hard copy, One (1) digital copy (DWF preferred) or PDF**
- **Proof of Compliance with MXD Regulations**
- **Other Planning Commission Requested Material**

City of Gaithersburg
31 S Summit Ave.
Gaithersburg, MD 20877

9 March 2021

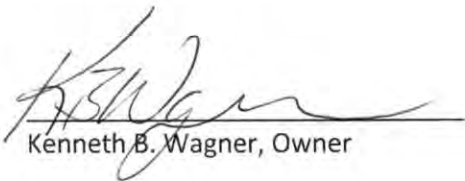
Re: Application to Rezone Properties

To whom it may concern,

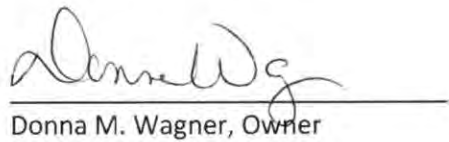
The below signatories affirm they are party to and willing participants in the application to rezone the properties located at 35 and 37 S Summit Ave. from R-90 to CBD as describe and indicated within application Z-8814-2021.

Respectfully,

For 35 S Summit Ave.

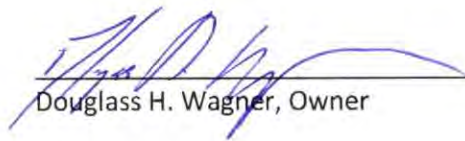


Kenneth B. Wagner, Owner

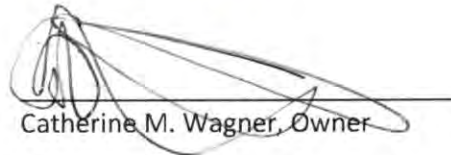


Donna M. Wagner, Owner

For 37 S Summit Ave.



Douglass H. Wagner, Owner



Catherine M. Wagner, Owner

Statement in Support of Zoning Map Amendment for the Properties Located at 35 and 37 S Summit Avenue

Mr. Kenneth Wagner and Mrs. Donna Wagner, and Mr. Douglass Wagner and Mrs. Catherine Wagner (“Applicant”) submit this statement in support of their Zoning Map Amendment application for the adjoining properties located at 35 and 37 S Summit Avenue (“Properties”) in the City of Gaithersburg. The Application requests rezoning from the existing **R-90 (Medium Density Residential)** Zone to the **CBD (Central Business District)** Zone.

The Properties total approximately .66 acres (or 28,749 sq. ft) in size and each is developed with one residential primary structure and one garage accessory structure.

Purpose of Rezoning and Master Plan Compliance

The applicant desires to rezone the Properties to:

- 1) To allow improvements and development in accordance with the adopted master plan,

The Gaithersburg 2009 Master Plan: Land Use, Adopted December 19, 2011 (Resolution R-88-11), recommends rezoning the Properties to CBD, Central Business District, and adopts a commercial-office-residential land use designation.

Property Development Plan

The applicant has notional development ideas focused on the expansion and remodel of current residential structures in the near-term. However, due to dimensional restrictions of the current R-90 zoning assignment, potential expansion and improvements are very limited. For example, the Property located at 37 S Summit Ave. has a “grandfathered” non-conforming addition on the South side of the residential structure, any modification of this part of the residence would require a variance to the existing R-90 zoning requirement; whereas, should the Properties be rezoned CBD, structural improvements would be within scope of the zone. The property is nonconforming to R-90 due to its position on a corner lot which requires a 30-foot setback for both the front and side yards adjacent to improved streets. Current structures currently have an approximate 13 foot setback in the side yard adjacent to Hutton Ave, and some modifications would otherwise be allowed if the structures were located on a non-corner lot as typical side yard setbacks in the R-90 zone are 10 feet.

- 2) To permit a flexible response of development to the market; and,

Rezoning the Properties to CBD would allow for greater flexibility for future growth and use of the site to include additional commercial and office possibilities, in compliance with the Master Plan recommendations. The current R-90 zoning restricts development primarily to single-family detached uses and includes dimensional restrictions which

limit expansion and remodeling of the existing residences. No plans are in work to change the current residential use; however, rezoning to CBD would allow future low-intensity commercial development compatible with nearby existing commercial uses along S Summit Ave and the adjacent residential neighborhoods.

- 3) To encourage land assembly and the most desirable use of land in accordance with the Master Plan.

CBD zoning would open up the site to commercial, office, or other development uses not permitted by the current R-90 zoning. No plans are in work to change the current residential use; however, the expanded development potential and flexibility afforded by the CBD Zone may encourage land assembly and facilitate future redevelopment of the site to a different but compatible use not currently allowed in the R-90 zone.

The Properties are located adjacent to the Gaithersburg City Hall. Rezoning would create a contiguous CBD zone with the City Hall CBD area.

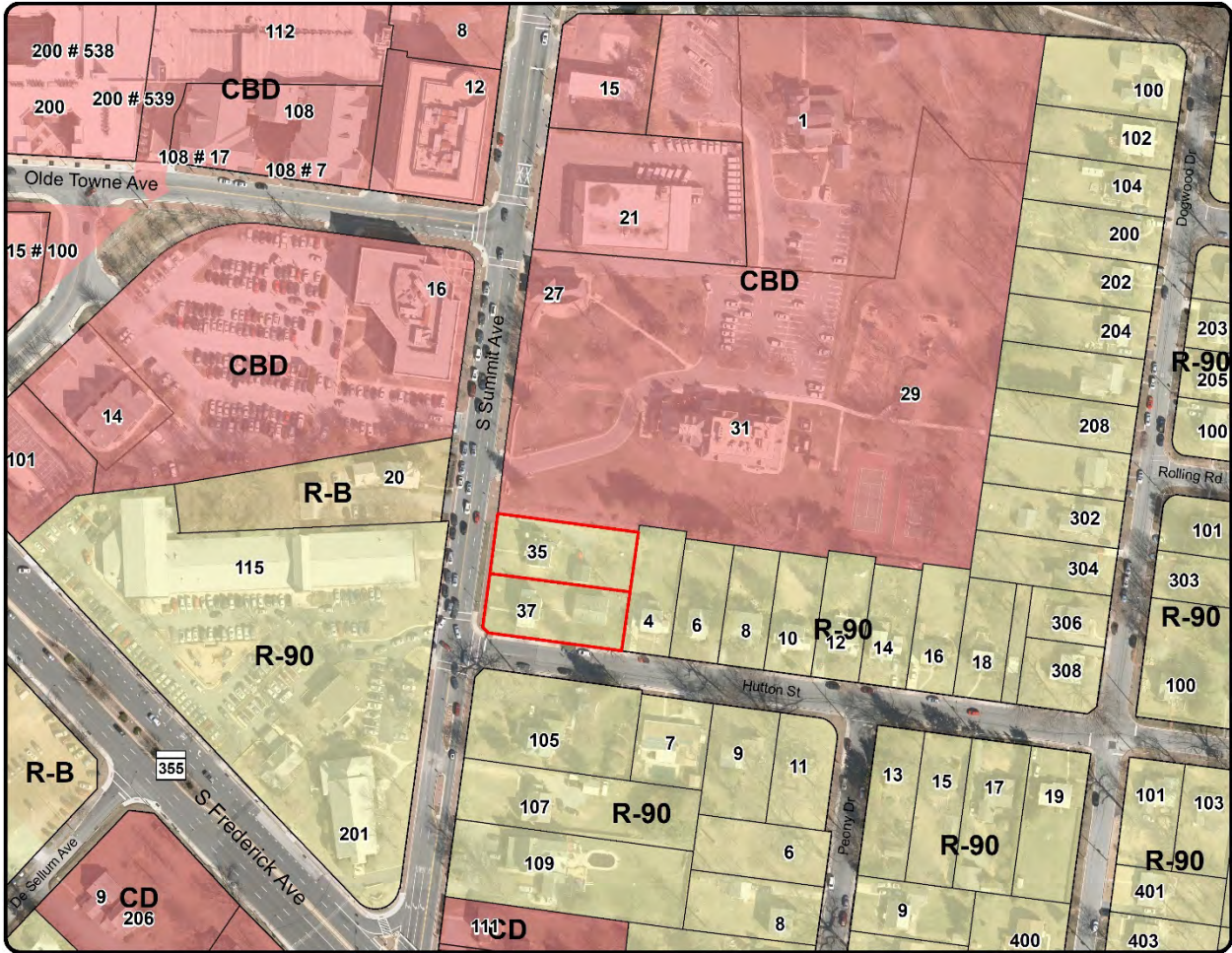


Figure 1: Currently Zoning of S Summit Ave.
Except from City of Gaithersburg Zoning Map, Effective January 3, 2019

In addition to the zoning and land use recommendations, the Gaithersburg 2009 Master Plan states that the five parcels along the East side of S Summit provide “an opportunity to create a transitional gateway into Olde Towne while enhancing the visual connection to the Corridor.”

The request to rezone supports the City’s Land Use plan by accommodating future possible non-residential uses of the Properties while also allowing for expansion and remodel of existing residential structures. While no plans are in work to change the residential use of the Properties, the expanded flexibility will allow the corridor additional options for future uses. A “transitional gateway” into the Old Towne commercial corridor can take many forms. The investment of capital funds into the existing Properties would increase the visual appeal of the gateway and allow for the Properties to better align with on-going development of nearby properties, such as, the new remodeled and expanded municipal property at 16 S Summit Ave.

Findings Required for Approval

Per Section 24-10A. (2) of the City Code, CBD zoning may be approved upon a finding that the application:

- (a) Complies with the purposes and intent of the zone as stated in the zoning ordinance; and
- (b) As applied will be compatible and harmonious with existing and planned land uses in the surrounding area.

The proposed rezoning satisfies Section 24-10A (2) of City Code as follows:

- 1) The Applicant’s request to rezone from R-90 to CBD for the primary purpose of expanding the residential structures and to maximize possible future development of the Properties is in line with the stated purposes of the CBD zone. The proposed rezoning includes only two fee-simple residential lots encompassing less than one acre. The intent and purposes of the CBD zone apply to the greater Olde Towne area as a whole. These Properties will contribute to the greater goals and intent of the CBD zone; however, there are limitations to the extent to which they can fulfill each stated purpose given their small size and current residential use.

Section 24-160F.1 states the purpose of the CBD Zone is to “foster revitalization by promoting a desirable mix of commercial, office and residential uses, and giving incentives and providing public amenities, for attracting of a variety of leisure uses and activities to meet the needs and requirements of residents, workers, shoppers and visitors to Olde Towne, as well as to accomplish the following purposes:”

- (a) To encourage development in accordance with the adopted master plan by permitting an increase in density and intensity of use, flexibility in use, and layout where development is in substantial conformity with the Olde Towne Master Plan and the site plan is approved by the city planning commission.
 - ✓ The application to rezone increases the flexibility to improve the current residential uses and affords future opportunities for new development to be considered by the City Planning Commission.

- (b) To permit a flexible response of development to the market, as well as to provide incentives for the development of a variety of land uses and activities in the central business district to meet the needs and requirements of residents, workers and shoppers.
 - ✓ The application to rezone increases the flexible response of development to the market by accommodating both the existing residential uses as well as possible future non-residential uses not currently allowed in the R-90 zone. The rezoning will allow improvements to the residential structures, enhancing the livability of the residences and meeting the current residents' needs for additional space.
- (c) To encourage designs which are in conformity with the architectural guidelines as adopted by the mayor and city council.
 - ✓ Any changes to the property would have to conform to established policies and procedures, ensuring future designs will conform with any architectural guidelines of the City.
- (d) To promote the effective use of transit facilities in the central business district and pedestrian access thereto.
 - ✓ CBD zoning of these Properties enables continued residential uses and development of potential future commercial and office uses within walking distance to a MARC station and Montgomery County Ride-On bus stops, thus facilitating transit use.
- (e) To promote improved pedestrian and vehicular circulation and parking facilities.
 - ✓ Current plans to expand/remodel the residential structures on the Properties will not negatively impact the pedestrian and/or vehicular circulation. Nor will enhancing the current structures impact parking in the immediate vicinity.
- (f) To assist in the development and redevelopment of adequate residential areas for people with a range of different incomes.
 - ✓ Rezoning will provide flexibility and options for the expansion and/or remodel of existing residential structures increasing the visual appeal to the Olde Towne Corridor. Additionally, capital investment in the structures may increase total property value of neighboring properties.
- (g) To encourage the provision of public amenities as part of development proposals.
 - ✓ Rezoning would allow for flexibility and options should the Properties be redeveloped in the future. Any amenity included in a future redevelopment would be in scope and scale with the Properties and developed in coordination with the City. Improvements to the residential structures that would be allowed with the rezoning could improve the visual appeal of this

gateway into Olde Towne and contribute to an enhanced pedestrian experience.

(h) To encourage land assembly and the most desirable use of land in accordance with the Olde Towne Master Plan.

- ✓ The Properties are not specifically identified in the Olde Towne Master Plan; however, they are specifically identified in the Land Use Element of the City's 2009 Master Plan. However, expanding/remodeling the existing residential structures does not conflict with the Sector 2 Development Program of the Old Town Master Plan, which is adjacent to the Properties. Rezoning to CBD opens up the properties to additional future commercial, office, or other residential uses, which may encourage land assembly and redevelopment in the future, while also allowing the continued current residential use of the Properties. These potential uses all adhere to the Olde Towne Master Plan's theme of "create a place for living, working, shopping, and entertaining" (Olde Towne Master Plan, pg. 6).

2) The proposed rezoning is "compatible and harmonious with existing and planned land uses in the surrounding area" as it aligns with the zoning recommended in the City's Master Plan. Currently, in the immediate vicinity of the Properties are City Hall, the new Police Station and Gaithersburg City Offices (16 S Summit), private businesses such as a Chiropractor, a private school, a church, and other residential properties. The applicant's desire to expand the current residential structures does not compete with or diminish from these other land uses, and any improvements would maintain the existing character while also enhancing the visual appeal of this gateway into Olde Towne. Rezoning would allow potential future redevelopment with low-intensity office or commercial uses, which would be compatible with the nearby civic and office uses and residential neighborhoods. Future redevelopment also has the potential to provide new services and amenities to the surrounding area.

Conclusion

The Applicant does not have current development plans for the Properties beyond notional/aspirational plans to expand on and remodel and/or modernize the current residential structures for greater livability. In the near term the applicant would like to modify the existing residential structure on 37 S Summit Ave to remodel and possibly expand the non-conforming addition on the South side (Hutton Ave. side) of the structure. The expansion/remodel of the existing residences will allow for the long-term habitation by the applicants as the family continues to grow. Additionally, the two properties together allow for mutual family support between family members. Furthermore, the rezoning of the Properties will allow future commercial development in accordance with the City's Master Plan, allow for a flexible response of developments to the market, and permit improvements that will visually enhance this gateway into Olde Towne.

Excerpt from Gaithersburg 2009 Master Plan: Land Use, Adopted December 19, 2011

32. South Summit Ave properties, 5 parcels, 2.6 acres



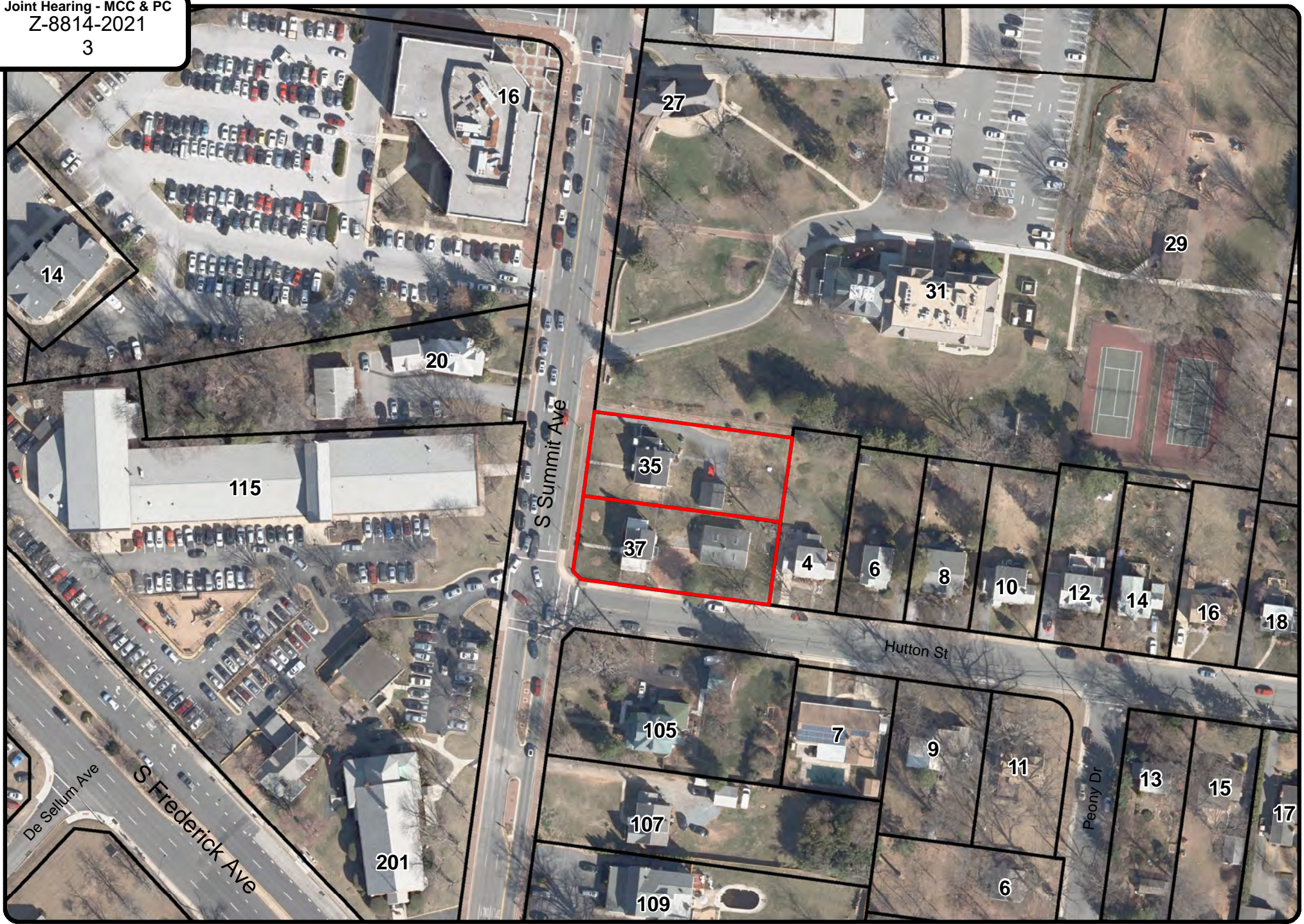
Part of Lot 2 Flower Field and Tax Map FT51 Parcels P255, P309, P339 and P340

This 2.6-acre area contains five parcels, currently zoned R-90 with single family detached houses on each lot, included in the City's designated Enterprise Zone. Current commercial uses are found on two of the properties. The proximity of these properties to the Frederick Avenue Corridor provides an opportunity to create a transitional gateway into Olde Towne while enhancing the visual connection to the Corridor. Any future redevelopment with commercial/office uses would be consistent with the existing adjacent uses along Summit and Frederick Avenues. Any redevelopment of these properties should be sensitive to and in scale and visual character with the adjoining residential neighborhood.

Applicable Strategic Direction: Planning, Economic

Land Use and Zoning Actions:

- Adopt Commercial-Office-Residential land use designation
- Recommend zoning change from R-90 to CD for Parcels P309, P339, and P340
- Recommend zoning change from R-90 to CBD for part of Lot 2 Flower Field and Parcel P255



35 and 37 S Summit Ave

City of Gaithersburg Planning and Code Administration | 31 South Summit Avenue Gaithersburg, MD 20877 | (301)-258-6330 |

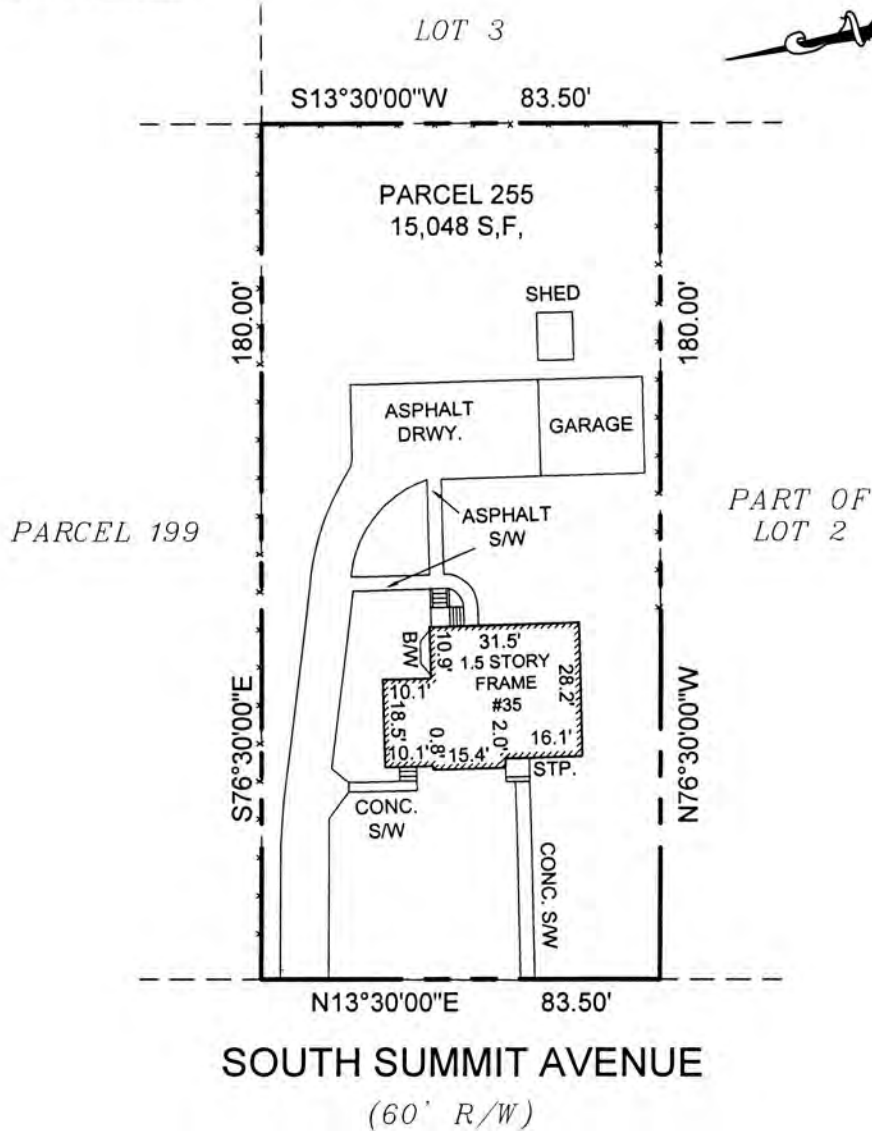


The City of Gaithersburg makes no warranty, express or implied, for the completeness and accuracy of the information depicted on this map. All rights reserved.



3/18/2021 • Imehfoud

ADDRESS: 35 SOUTH SUMMIT AVENUE
GAITHERSBURG, MD 20877



NOTES:

- THIS IMPROVEMENT LOCATION DRAWING:
 - IS OF BENEFIT TO A CONSUMER ONLY INSOFAR AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR REFINANCING;
 - IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS, OR OTHER EXISTING OR FUTURE IMPROVEMENTS; AND
 - DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING.
- THE LEVEL OF ACCURACY OF APPARENT SETBACK DISTANCES IS ONE FOOT, MORE OR LESS.
- THIS PLAT WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT.
- SUBJECT TO ALL EASEMENTS ON RECORD.
- A BOUNDARY SURVEY IS RECOMMENDED TO ACCURATELY LOCATE BOUNDARY LINES, HOUSE AND IMPROVEMENTS ON PROPERTY.

DRAWN BY: DS
FILE: #35HLOC_2013

I HEREBY CERTIFY THAT IMPROVEMENTS ARE LOCATED AS SHOWN HEREON AND TO THE BEST OF MY INFORMATION, PROFESSIONAL KNOWLEDGE AND BELIEF, THERE ARE NO ENCROACHMENTS



FITZROY J. BERTRAND
SURVEYOR

DATE

7/8/13

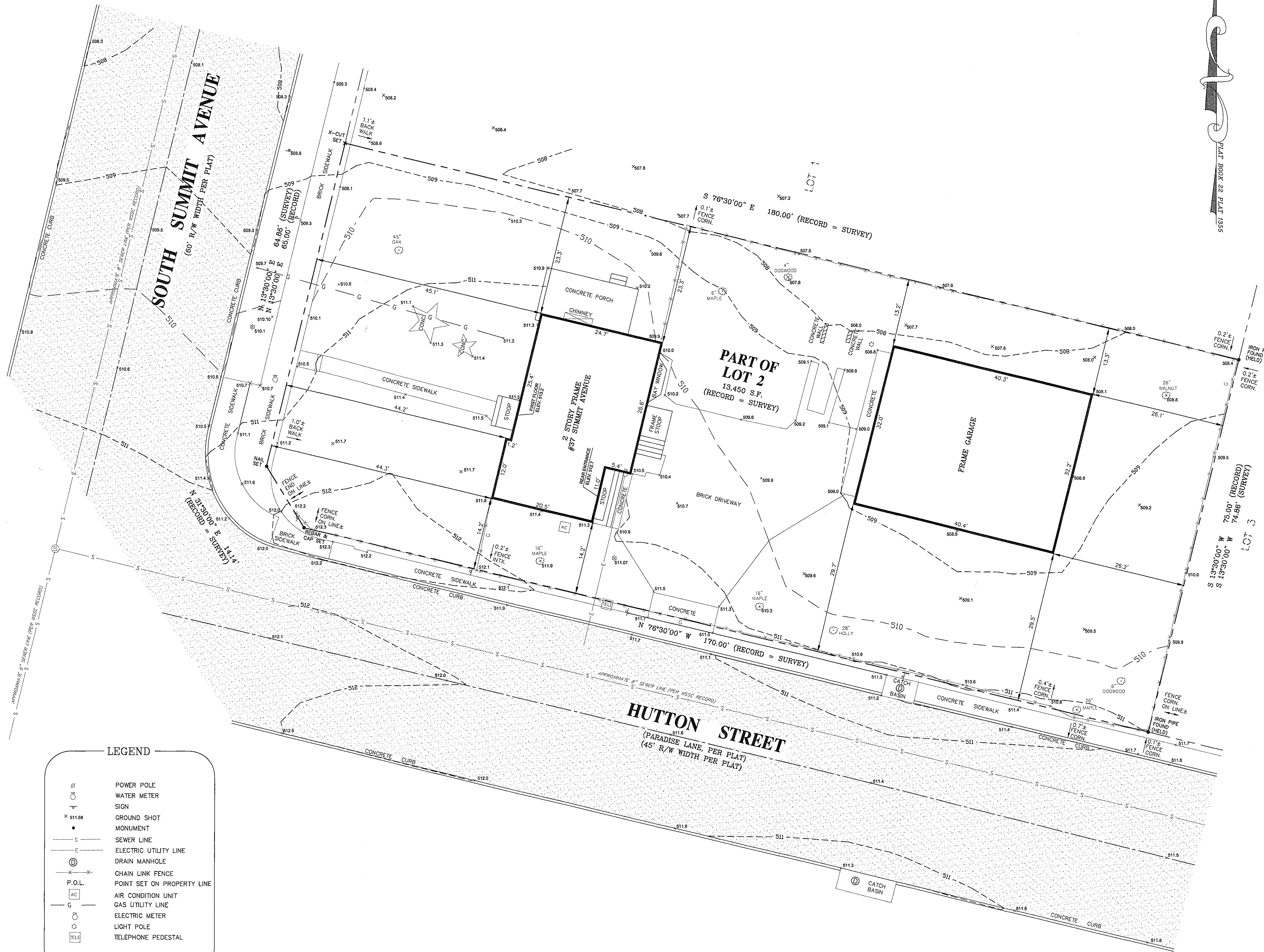
LOCATION DRAWING
PARCEL 255
FLOWER FIELD

PLAT: #1355 / LIBER: 41109 FOLIO: 449
MONTGOMERY COUNTY, MARYLAND

SCALE: 1" = 40' DATE: 7/8/13

REAL ESTATE SURVEYORS & DEVELOPERS, LLC

Residential, Commercial, Industrial and Land
WWW.RESDLLC.COM
LAUREL LAKES EXECUTIVE PARK
8325 CHERRY LANE
LAUREL, MARYLAND 20707
TEL: (301)604-3105 FAX: (301)604-3108



GENERAL NOTES:

1. PROPERTY IS SHOWN IN MONTGOMERY COUNTY TAX ASSESSMENT BOOK, MAP PAGE FT-51.
2. PROPERTY IS RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MD IN LIBER 45452 AT FOLIO 274 IS SHOWN IN PLAT BOOK 22 AT PLAT 1355.
3. CURRENT OWNER OF RECORD: DOUGLASS H. AND CATHERINE P. WAGNER
4. PREMISE ADDRESS: 37 SOUTH SUMMIT AVENUE GAITHERSBURG MD 20877

TOPOGRAPHIC INFORMATION NOTES:

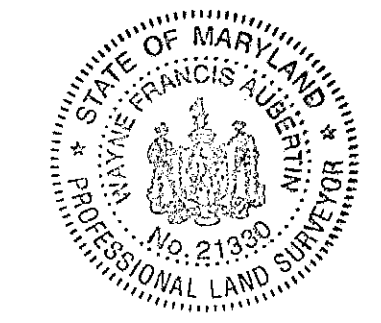
1. THE ELEVATIONS SHOWN HEREON HAVE BEEN ESTABLISHED BASED UPON WSSC VERTICAL DATUM OBTAINED FROM THE WSSC INTERNET GIS FOR CONTRACT 58W&S AS SHOWN ON WSSC 200' SHEET 223N09. THE BENCH MARK SHOWN FOR THIS DATUM HAS BEEN ASSIGNED THE FOLLOWING ELEVATION. FIRST FLOOR ELEV = 513.2.
2. THE TYPE AND NATURE OF ALL UTILITIES SHOWN HEREON HAS BEEN ESTABLISHED BY ON SITE OBSERVATION AND FIELD LOCATION. ANY UTILITIES SHOWN SHOULD BE CONSIDERED INCOMPLETE AND HAVE NOT BEEN REFERENCED OR VERIFIED WITH ANY UTILITY COMPANY AS-BUILT PLANS OR RECORDS.
3. 1' TOPOGRAPHY BY SNIDER & ASSOCIATES.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON HAS BEEN BASED UPON AN ACTUAL FIELD SURVEY, PERFORMED BY ACCEPTED METHODS, PURSUANT TO THE PLAT OF RECORD.
 THIS PLAT AND THE SURVEY UPON WHICH IT IS BASED WAS PREPARED UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH THE REGULATIONS GOVERNING LAND SURVEYING IN THE STATE OF MARYLAND. MY LICENSE IS SCHEDULE TO EXPIRE 01/07/2017.

9/30/15
 DATE

W.F.A.
 WAYNE F. AUBERTIN
 PROFESSIONAL LAND SURVEYOR
 MD. REG. #21330



LEGEND

	POWER POLE
	WATER METER
	SIGN
	GROUND SHOT
	MONUMENT
	SEWER LINE
	ELECTRIC UTILITY LINE
	DRAIN MANHOLE
	CHAIN LINK FENCE
	POINT SET ON PROPERTY LINE
	AIR CONDITION UNIT
	GAS UTILITY LINE
	ELECTRIC METER
	LIGHT POLE
	TELEPHONE PEDESTAL

CALL "MISS UTILITY" AT 1-800-257-7777 FOR UTILITY LOCATION AT LEAST 48 HOURS PRIOR TO BEGINNING CONSTRUCTION.

PLAT OF SURVEY
 AND
TOPOGRAPHIC WORKSHEET
 PART OF LOT 2
 BLOCK 1
FLOWER FIELD
 37 SOUTH SUMMIT AVENUE
 GAITHERSBURG (9th) ELECTION DISTRICT
 MONTGOMERY COUNTY, MARYLAND
 SCALE: 1" = 10' SEPTEMBER, 2015

SNIDER & ASSOCIATES
SURVEYORS

20270 GOLDENROD LANE, SUITE 110
 GERMANTOWN, MARYLAND 20876
 301/948-5100 • Fax 301/948-1286

DRAFTING	E.H.	COMPUTATIONS	W.F.A.
PROJECT	08-04439-TOPO	APPROVAL	W.F.A.