

RESOLUTION No. PCR-ASDP-8610-2020

RESOLUTION OF THE PLANNING COMMISSION OF GAITHERSBURG GRANTING APPROVAL OF AMENDMENT TO SCHEMATIC DEVELOPMENT PLAN ASDP-8610-2020 TO INCREASE THE SQUARE FOOTAGE OF THE BUILDING UP TO 180,000 GROSS SQUARE FEET, ADD INTEGRATED LIGHT MANUFACTURING TO THE LIST OF PERMITTED USES, AND GRANT A PARKING RATIO OF 1 SPACE PER 470 SQUARE FEET, LOCATED AT 700 QUINCE ORCHARD ROAD, GAITHERSBURG, MARYLAND AND ZONED MIXED USE DEVELOPMENT (MXD)

ASDP-8610-2020

OPINION

Amendment to Schematic Development Plan (ASDP) application ASDP-8610-2020 ("Application"), for property located at 700 Quince Orchard Road, Gaithersburg, Maryland ("Subject Property") which is zoned Mixed Use Development (MXD), has come before the Planning Commission for approval. The Planning Commission's authority in this matter is pursuant to § 24-198(c)(2) of the City of Gaithersburg Zoning Ordinance (Chapter 24 of the City Code), which authorizes the Planning Commission to approve ASDP applications for a change in use and for amendments that increase the nonresidential building floor area by more than ten (10) percent or five thousand (5,000) square feet whichever is greater, upon the Mayor and City Council making a finding that the application has a minor effect and thereby directing the Planning Commission to make a final decision on the amendment.

The subject case involves a proposal to increase the total square footage of the building on the Subject Property up to 180,000 square feet, add Integrated Light Manufacturing to the list of permitted uses, minor architectural elevation revisions related to the proposed conversion, and an associated parking waiver to permit a parking ratio of 1 space per 470 square feet. The approximately 3.4 acre parcel of land know as Lot 12, Block C is located adjacent to Quince Orchard Road. The original Schematic Development Plan, SDP-7927-2018, was approved by the Mayor and City Council on January 22, 2019. The ASDP application was submitted to the City Planning and Code Administration on September 21, 2020, and was designated as application number ASDP-8610-2020.

OPERATIVE FACTS

A. Background

The Subject Property was annexed into the City of Gaithersburg on February 2, 1967 by resolution R-25-66. At the time of annexation approval, the Mayor and City Council established the C-P (Commercial Office Park) zoning for the subject property. On March 6, 1967, the Subject Property was rezoned from C-P (Commercial Office

Park) Zone to the E-1 (Urban Employment) Zone as resolution R-9-67. On July 18, 2016, the Mayor and City Council approved Zoning Map Amendment Z-7262-2016 as Ordinance O-5-16. The approval included the rezoning of four (4) properties located at 700 Quince Orchard Road, 1 Bank Street, 5 Bank Street and 14 Firstfield Road to the MXD (Mixed Use Development) Zone and established a new sketch plan.

Section 24-198(c) of the City Code requires an amendment to the schematic development site plan for properties zoned MXD when a change in use or changes other than to a use is involved. Furthermore, § 24-198(c)(2) allows the Mayor and City Council to direct the Planning Commission to make a final decision on the amendment after receiving a courtesy review on the application from Staff. Application ASDP-8610-2020 was presented to the Mayor and City Council at their September 21, 2020 meeting. Following their review, the City Council directed Staff to have the Planning Commission to hold a public hearing and make a final decision on the application.

#### B. Current Application

On September 21, 2020 the applicant, Nancy Regelin of Shulman Rogers submitted the Application. This Application requests approval to amend the site plan to increase the total square footage of the building on the Subject Property up to 180,000 square feet, add Integrated Light Manufacturing to the list of permitted uses, minor architectural elevation revisions related to the proposed conversion (also referred to as "amendment"), and an associated parking waiver to permit a parking ratio of 1 space per 470 square feet. In accordance with § 24-198(c)(1), a change in use and for amendments that increase the nonresidential building floor area by more than ten (10) percent or five thousand (5,000) square feet whichever is greater, requires an amendment to the schematic development plan.

A public hearing with prior public notice was scheduled for Wednesday, October 21, 2020 before the Planning Commission. The Application was presented to the Planning Commission during that October 21, 2020 public hearing. During the public hearing, 18 exhibits were presented, including the Applicant's statement, proposed site plan, proposed parking ratio, and building elevations.

There was no public comments during the meeting either for or against the application. At the conclusion of the public hearing, the Planning Commission decided to close their record.

#### C. Evaluation and Findings

The Planning Commission, upon careful review of the evidence of record, agrees with the findings, conclusions and the recommendation of approval for Amendment to Schematic Development Plan, ASDP-8610-2020, by City Staff. The Planning Commission finds those recommendations to be well reasoned and adopts and incorporates their findings as part of this action. The Planning Commission further agrees that the procedures governing the application of the MXD Zone and approvals necessary to seek building permits are subject to a multi-step process and that this approval is only one of several steps of the process.

Furthermore, the Planning Commission finds from the evidence presented that the application for amendment to schematic development plan, ASDP-8610-2020, as currently amended, fulfills the findings required under § 24-160D.10(b):

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

Sketch plan Z-7262-2016 allows up to 400,000 square feet of commercial space for the Subject Property, with a combination of lab/office, R&D technology, Integrated Light Manufacturing, and other uses. Application ASDP-8610-2020 is substantially in accord with the approved Sketch Plan by including Lab, Office, Research and Development, and Integrated Light Manufacturing as permitted uses and increasing the maximum size of the building up to 180,000 square feet. The permitted uses and size of the building are in conformance with the approved Sketch Plan.

(2) The plan meets or accomplishes the purposes, objectives, minimum standards and requirements of the MXD Zone and other requirements of the City Code:

- (a) Application ASDP-8610-2020 is the first phase of a multi-phase mixed-use redevelopment project. The property is part of an established commercial and employment area within the City.
- (b) Application ASDP-8610-2020 will contain materials and design elements that will be compatible with the existing building, the approved design guidelines, and the surrounding properties.
- (c) Application ASDP-8610-2020 will contribute to the greater mixed-use, multi-phased development by providing a mix of land uses, which include office, research and development lab, and integrated light manufacturing within close proximity to existing commercial centers.
- (d) Application ASDP-8610-2020 will provide a superior natural environment with twenty-five percent of the property being devoted to greenspace.
- (e) Application ASDP-8610-2020 will renovate an existing office building by incorporating additional uses that are harmonious and compatible with the surrounding area.
- (f) Application ASDP-8610-2020 encourages pedestrian and other non-vehicular circulation and reduces the reliance upon automobile use by locating a mix of uses within close proximity to existing public transportation networks, established pedestrian sidewalks, and bike paths.
- (g) Application ASDP-8610-2020 will provide a parking ratio of 1 parking space per 470 square feet, which will not have an adverse impact on the surrounding neighborhood and meets the requirements of the owner as well as the prospective tenant based on market demand, operational experience, the mix of uses and parking demand for each use.

(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 1997 Master Plan had two recommendations for the Subject Property:

- Option A: Retain the land use as industrial-research-office
- Option B: Redesignate to a commercial use if the Property were subdivided and a new storm water management system is completed.

Both the 2003 and 2009 Master Plan Land Use Maps designated the property as Industrial-Research-Office. The renovation of the existing building to facilitate the proposed uses of office, research and development lab, and integrated light manufacturing are in accord with the uses envisioned in the 1997 Master Plan recommendation as well as the 2003 and 2009 Master Plan Land Use Maps.

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

The proposed amendment will renovate an existing office building by incorporating office, research and development lab, and integrated light manufacturing within a current commercial center. The proposed uses are similar, compatible, and harmonious both internally and externally with the surrounding properties. The amended parking ratio of 1 parking space per 470 square feet will not have an adverse impact on the surrounding neighborhood and meets the requirements of the owner as well as the prospective tenant based on market demand, operational experience, the mix of uses and parking demand for each use.

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

The Subject Property is currently adequately served by utilities and public facilities. The application complies with the City of Gaithersburg Adequate Public Facilities Ordinance as follows:

**1. Traffic Impact**

The proposed amendment will generate fewer trips than the previously approved plan. Therefore, the proposed development is exempt from the Adequate Public Facilities requirements for Traffic Impacts.

**2. Adequacy of School Capacity**

Since the Application is proposing a commercial use, it will have no impact on the school system. Therefore the application is exempt from the school test of the Adequate Public Facilities Ordinance.

### 3. Water and Sewer Services and Public Utilities

The Subject Property is currently served by water and sewer categories W-1 and S-1 respectively. As such, water and sewer services are adequately provided to the Subject Property.

### 4. Fire and Emergency Services

The Subject Property is located within a ten-minute response time of Station 8 (Gaithersburg-Washington Grove), Station 22 (Germantown/Kingsview), Station 31 (Rockville) and Station 32 (Travilah). Additionally, the site is located adjacent to the National Institute of Technology (NIST), which has its own emergency vehicles and also responds even though they are not part of the Montgomery County System.

(6) 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 Application is part of a multi-phase project for the redevelopment of this area. Application ASDP-8610-2020 adds integrated light manufacturing to the list of permitted uses and converts the first floor parking garage to habitable space. The previously approved plans included the construction of a new water line and two public streets, which help to facilitate future phases of the development. The amendment does not change any of the approved and completed public facilities or private amenities and they remain adequate to service the proposed application.

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

The amendment is compatible with, adds to the diverse mix of uses within an existing commercial center, and contributes to the City's overall economic health. The amendment is necessary to renovate an existing building to permit occupancy by a biotechnology company associated with the Federal Operation Warp Speed Program, which is of critical public interest. The parking ratio of 1 parking space per 470 square feet will not have an adverse impact on the surrounding neighborhood. The Property is located near public transportation, served by existing sidewalks and bike paths, includes 16 bicycle space to encourage multimodal transportation, and encourages the efficient use of land by utilizing the minimum number of parking spaces necessary to operate the building.

In summary, the Planning Commission finds Application ASDP-8610-2020 to be in accordance with City Code § 24-160D.10(b) and 24-198(c), is in the public interest, and therefore should be approved based on the substantial evidence to indicate that the subject Amendment to Schematic Development Plan has accomplished the purposes of the MXD Zone, as well as the generally accepted City planning and land use policies.

AMENDMENT TO SCHEMATIC DEVELOPMENT PLAN ASDP-8610-2020

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Gaithersburg on the 21<sup>st</sup> day of October 2020, that the Applicant's proposed Schematic Development Plan Amendment, designated Application ASDP-8610-2020, be approved with four (4) conditions:

1. Prior to the release of bonds, or unless amended as part of a new Sketch Plan which encompasses the area of Public Street A and B, the Applicant must record an agreement with the City to establish and design a preliminary plan, escrow funds or surety for the reconstruction of Public Street A for the portion of the property located within the limits of SDP-7927-2018 to facilitate the future extension of the street in conformance with the approved and associated sketch plan;
2. At the time of Schematic Development Plan for the residential section, Applicant must work with Staff to ensure the northern portion of Public Street A will facilitate adequate vehicular circulation in accordance with the approved and associated Sketch Plan;
3. Prior to the release of bonds that relate to a street, any of the proposed public streets must provide a continuous public rights-of-way connection both through the development and with existing public streets and must be platted, dedicated and accepted by the City in conformance with the approved and associated sketch plan unless the designated public streets are amended to be private with a new sketch plan; and
4. Prior to issuance of any permits the Applicant must recorded a parking agreement between the 700 Quince Orchard (Lot 12, Block C) and 14 Firstfield (Lot 9, Bloc C) properties allocating parking spaces on 14 Firstfield for the benefit of a portion of 700 Quince Orchard's parking requirement.

ADOPTED by the Planning Commission of Gaithersburg, Maryland, this 21<sup>st</sup> day of October, 2020. Commissioners Bauer, Wessel, Kaufman, Winborne, and Hopkins being present and voting in favor of the action.

  
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John Bauer, Chair  
Planning Commission

This is to certify that the foregoing Resolution was adopted by the City of Gaithersburg Planning Commission in public meeting assembled on the 21<sup>st</sup> day of October 2020.



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John Schlichting, Director  
Planning and Code Administration