

RESOLUTION NO. R-63-12

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF GAITHERSBURG GRANTING APPROVAL OF SCHEMATIC DEVELOPMENT PLAN SDP-12-001, KNOWN AS IZAAK WALTON LEAGUE OF AMERICA, FOR APPROXIMATELY 33.54 ACRES OF LAND AT 700, 704 AND 707 CONSERVATION LANE IN THE MIXED USE DEVELOPMENT (MXD), ZONE, GAITHERSBURG, MARYLAND

SDP-12-001

OPINION

Schematic development plan (SDP) application SDP-12-001, zoned Mixed Use Development (MXD), has come before the Mayor and City Council for approval. The City Council's authority in this matter is pursuant to §24-160D.9(b)(2) of the City of Gaithersburg Zoning Ordinance (Chapter 24 of the City Code), which authorizes the Council to conduct public hearings on a schematic development plan application following appropriate notification procedures and to take action on the application following receipt of a recommendation by the City Planning Commission.

The subject case involves approximately 33.54 acres of land and concerns the property located on Part of Parcel A of the Izaak Walton League of America Addition to Gaithersburg and Parcel P780, at 700, 704 and 707 Conservation Lane, off Muddy Branch Road, Gaithersburg, Maryland, in the MXD (Mixed Use Development) Zone. The property is located off Muddy Branch Road, south of its intersection with Clifftop Drive and north of the intersection of School Drive and Muddy Branch Road. The schematic development plan application was initially submitted to the City Department of Planning and Code Administration on May 18, 2012. This application was designated as SDP-12-001.

OPERATIVE FACTS

A. Background

A consolidated joint public hearing was held by the Mayor and City Council and the Planning Commission regarding this application and Zoning Map Amendment application Z-317 on September 4, 2012. Mr. Jody Kline, counsel for the applicant, and Scott Kovarovich, Acting Executive Director for the Izaak Walton League of America, Inc ("IWLA"), introduced the application for schematic development plan. In addition to the comments from the Mayor and City Council and Planning Commission, there was one speaker from the public. The Mayor and City Council voted to leave the record open for 16 days. Subsequently, on September 5, 2012, the Planning Commission voted to leave their record open for seven days

On September 19, 2012, the Planning Commission considered the plan at its public meeting and recommended approval of Schematic Development Plan SDP-12-001, finding the application is in conformance with the MXD (Mixed Use Development) Zone of the City's Zoning Ordinance with the following conditions:.

1. The applicant shall work with staff to execute an ingress/egress easement for bicyclists and pedestrians within six (6) months of the effective date of the ordinance establishing the MXD zoning.

B. Evaluation and Findings

The City Council, upon careful review of the evidence of record, which includes 33 Exhibits and the testimony that was presented at the consolidated joint public hearing, agrees with the findings, conclusions and the recommendation of approval for schematic development plan SDP-12-001 by the City Planning Commission and City staff. The City Council finds those recommendations to be well reasoned and adopts and incorporates their findings as part of this action.

In reviewing the subject application for the approval of Schematic Development Plan SDP-12-001, the City Council finds the application and development proposal meets or accomplishes the purposes, objectives, and minimum standards and requirements of the MXD Zone that are set forth in Chapter 24 (Zoning), Article III, Division 19 of the City Code

Furthermore, the City Council finds from the evidence of record that the application for schematic development plan approval, SDP-12-001, as submitted, fulfills the findings required under §24-160D.10 (b):

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

The schematic development plan is consistent with Sketch Plan Z-317 in terms of density, height of buildings, location of use, buildings, access, circulation, amenities, and conservation areas. The same plan serves as both the sketch plan and the schematic development plan;

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

Purposes, Objectives and Intent:

- a) The 2009 City of Gaithersburg Land Use Master Plan recommends that the subject property be designated as mixed use residential-office with a zoning classification of MXD, as shown in Exhibit #9 of the application. The owner-applicant is of the opinion that the schematic development plan (SDP) is

consistent with the purposes of MXD Zone and consistent with Sketch Plan Z-317 for the current and potential future of the IWLA property.

- b) The project proposes a mix of the current uses, which are the current two single-family residences, office space for philanthropic use and regular office space and a telecommunications facility. The zone provides a higher standard of development than could be done under a conventional zoning category.
- c) The property is contiguous to MXD-zoned property and in the vicinity of approved MXD developments.
- d) The development will continue to provide superior natural environmental open space by the continued preservation of the Muddy Branch stream valley and floodplain and, as in the past, the IWLA will continue to promote best practices to maintain the natural environment. The majority of the parcel is within a conservation easement that follows the Muddy Branch stream valley, limiting future expansion of the existing office and residential uses.
- e) The applicant has stated that this rezoning will not change any existing use or design of the property. Both staff and the applicant agree that the property and uses are both internally and externally compatible. The rezoning and the SDP will allow for additional rental opportunities for already constructed space; therefore, the actual use and infrastructure of the property will not change.

Minimum Standards:

1. As stated above, the application and exhibits comply with the 2009 Master Plan Land Use Element, which proposes mixed use development for this site. The application complies with the minimum area and is adjacent to existing MXD-zoned property.
2. The property includes 33.54 acres of land and is contiguous to existing MXD-zoned area. There will be connectivity to the adjoining property via a proposed bicycle and pedestrian pathway.
3. The subject property is located adjacent to existing roadway of Muddy Branch Road, which, according to the Traffic Impact Analysis, is adequate to service the development. Additionally, the applicant/owner is working with the City to create an easement for a link to the City's Proposed Bikeway Plan
4. The property is currently serviced by all utilities, including water and sewer. The utilities have been given the opportunity to review the plans.
5. As mentioned above, the public facilities comply with the requirements of the City's Adequate Public Facility Ordinance (APFO).

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

As stated above, the *2009 City of Gaithersburg Land Use Master Plan* recommends that the subject property be designated as mixed use residential-office with a zoning classification of MXD, as shown in Exhibit #9 of the applications. The owner applicant is of the opinion that the rezoning to the MXD Zone, and the SDP, is consistent with the current and potential future of the IWLA property.

(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:

This plan will implement the Master Plan recommendations for the property and redevelop an existing portion of the commercial structure from Philanthropic Office use to General Office. The existing single-family homes located on the site, along with some of the amenities such as a picnic pavilion, are very compatible with the adjoining multi-family residential development, the NIST campus and the open space of the City's Eagle Head property. Increased bicycle and pedestrian connectivity will result with this project and create a more pedestrian-oriented location.

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

As mentioned above, the property is currently served by all utilities and complies with the City's APFO requirement, including requirements for Traffic.

(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:

As discussed above, the uses shown on the Schematic Development are already in place. The next phase will be the utilization of a portion of the building as General Office Use. The site is already served by adequate public facilities and private amenities, including parking, to serve the proposed development. The plan proposes no new development.

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

This plan will implement the Master Plan recommendations for the property which is Residential-Office Use. The office, multi-family apartments and technology uses located in the adjacent properties are very compatible, as they have been for the past several years, with the proposed plan and uses. Increased bicycle connectivity will result with this project and create a more pedestrian and bicycle-oriented location. The general public will continue to have access to the IWLA park area.

Conclusion

In summary, the City Council finds that the schematic development plan SDP-12-001 is substantially in accord with the Sketch Plan Z-317. The plan meets and accomplishes the purposes, objectives and minimum standards and requirements of the MXD Zone, as shown by the exhibits submitted into the record, subject to the applicant complying with the condition listed below. The plan is in accord with the applicable master plan recommendations of the *2009 Master Plan*. The plan is internally and externally compatible with existing and planned land uses in the MXD-zoned area and adjacent areas. The existing public facilities are adequate to service the proposed development contained in the plan. The development phasing program is adequate in relation to the provision of public facilities and private amenities to service the proposed development. Finally, the schematic development plan is in the public interest as it will increase the economic value of the property and provide connectivity by adding a pathway to connect two other pathway systems.

SCHEMATIC DEVELOPMENT PLAN SDP-12-001

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Gaithersburg, on October 1st, 2012, that Schematic Development Plan SDP-12-001 is hereby approved subject to the following conditions:

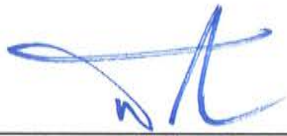
1. The applicant shall work with staff to execute an ingress/egress easement for bicyclists and pedestrians within six (6) months of the effective date of the ordinance establishing the MXD zoning.

ADOPTED by the City Council of the City of Gaithersburg on the 1st day of October, 2012.


SIDNEY A. KATZ, MAYOR and
President of the Council

THIS IS TO CERTIFY that the foregoing Resolution was adopted by the Mayor and Council of the City of Gaithersburg, in public meeting assembled, on the 1st day of October, 2012.

This Resolution shall become effective on the effective date of the Ordinance for Zoning Map Amendment Z-317, the 22nd day of October, 2012.



Tony Tomasello, Acting City Manager