

ORDINANCE NO. O-27-10

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GAITHERSBURG GRANTING APPROVAL FOR AMENDMENT TO PREVIOUSLY APPROVED SKETCH PLAN APPLICATION Z-310 AND APPROVING A NEW SKETCH PLAN IDENTIFIED AS APPLICATION Z-315 FOR LAND, KNOWN AS THE CROWN FARM, LOCATED AT THE SOUTHWEST SIDE OF FIELDS ROAD, BOUNDED BY SAM EIG HIGHWAY TO THE NORTHWEST AND OMEGA DRIVE TO THE SOUTHEAST CONTAINING APPROXIMATELY 178 ACRES OF PROPERTY ZONED MIXED USE DEVELOPMENT (MXD)

Z-315

OPINION

Application Z-315 has come before the Mayor & City Council for approval as an amendment to the previously approved sketch plan, Z-310, that amended the land use plan associated with the Annexation Application X-182 approval for land zoned Mixed Use Development (MXD). The City Council's authority in this matter is pursuant to Section 24-160D.11 of the City of Gaithersburg Zoning Ordinance (Chapter 24 of the City Code).

The subject case involves approximately 178 acres of land and is bordered by Fields Road, Sam Eig Highway, and Omega Drive. The Crown property is identified as Parcels P445, P600, P905, P883, and P820.

OPERATIVE FACTS

A. Background

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

The Crown Property is identified in the *2003 City of Gaithersburg Master Plan* as Special Study Area 4, that study has not yet been completed or incorporated into the adopted plan. Further, that Master Plan makes no specific land use or zoning recommendations for the property. It is the opinion that the annexation process and adoption of the X-182 Sketch Plan serves as guidance for land use in the same manner as an adopted Special Study Area.

The 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) Pods. Two of the Pods would have neither housing nor commercial components, in that one is a future Montgomery County Public School site (Pod 6) and the other (Pod 4), a City park.

Crown Village Farm LLC, following approval of the original X-182 sketch plan, submitted schematic development plan (SDP) application SDP-06-005, which focused primarily on Neighborhoods 2 and 3 and the associated base infrastructure needed for the entire site. It was understood that the remaining neighborhoods would be submitted as separate SDP applications at future dates. The SDP application was approved by the Mayor and City Council by resolution R-51-07 on May 21, 2007.

Following SDP-06-005 approval, Crown Village Farm LLC, submitted Amended Sketch Plan application Z-310. This application proposed a re-allocation of housing units among two of the original pods established by the X-182 Sketch Plan. The maximum cap of 2,250 overall units, 320,000 square feet of commercial and respective height requirements for each pod remained unchanged from the original approved sketch plan. The application proposed an increase in units. This increase coincided with a decrease of units in Pod (Neighborhood) 5. These changes in density numbers were requested in order to develop a better schematic development plan for Neighborhood 1. Sketch Plan Z-310 was approved by the Mayor and City Council March 3, 2008 by ordinance O-1-08. This approval coincided with the First Amendment to the X-182 Annexation Agreement.

B. Current Application:

On August 30, 2010, Mr. Steve Coniglio, SunBrook Partners, on behalf of the applicant, VII Crown Farm Owner LLC, submitted an Amendment to Sketch Plan Application for approximately 178 acres known as the Crown Farm. The file number and name for the amendment to sketch plan are Z-315 and the Crown Property, respectively.

The Z-315 application proposes a re-distribution of housing units and types, with an increase in single family units, among the original neighborhoods (pods) established by the Z-310 Sketch Plan. The boundaries of the six neighborhoods will be changed with an 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 178 acres of land to be divided into six (6) neighborhoods remains unchanged from the original X-182 annexation and Z-310 Sketch Plans. This application reflects the changes to be incorporated in an Amended X-182 Annexation Agreement that is to be negotiated between the City of Gaithersburg and VII Crown Farm Owner, LLC.

The Z-315 application proposes the establishment of six (6) neighborhoods with specific density, use, and height requirements, as applicable, that shall become binding upon Sketch Plan approval. They are as follows:

1. Neighborhood 1 is mixed use with a height cap of eight (8) stories with between 235,000 and 300,000 square feet of commercial and a range of residential between 650-1200 units;
2. Neighborhood 2 is residential use with a height cap of four (4) stories and a range 320-420 units;
3. Neighborhood 3 is residential use with a height cap of four (4) stories and a range 300-440 units;
4. Neighborhood 4 is a future City of Gaithersburg park;
5. Neighborhood 5 is mixed use with a height cap of twenty (20) stories with a range of 10,000 square feet to 85,000 square feet of commercial and a range of primarily multi-family residential between 300-900 units; and
6. Neighborhood 6 is a future Montgomery County Public School site.

The Mayor and City Council and Planning Commission held a joint public hearing regarding application Z-315 on October 4, 2010, at which time evidence was received on the subject application. A presentation was given by staff discussing both policy issues and changes to the Land Use Plan. Mr. Robert Zeiller, on behalf of the applicant, answered questions from the Council and Planning Commission. At the conclusion of the joint public hearing, the Planning Commission and Mayor & City Council agreed to keep their records open indefinitely until a work session could be scheduled to address policy issues regarding amended annexation agreement X-182.

A work session on policy issues regarding the amended X-182 Annexation Agreement was held by the Mayor & City Council on November 22, 2010. During the work session, the Mayor & City Council provided the following guidance:

- The 80/20 unit split for MPDUs was acceptable as was the creation of a Housing Initiative Fund (HIF), but the structure, implementation, and timing of a contribution to the HIF must be determined prior to any SDP approval;
- The shuttle bus program was acceptable; and
- The combined community amenity was acceptable, but the construction should coincide with any housing construction.

Following the work session, the Planning Commission's record closed on November 23, 2010 at 5 PM.

The Planning Commission made its recommendation on December 1, 2010, and forwarded its recommendation of approval to the Mayor and City Council for Z-315. Based on their review of the evidence, the Planning Commission further found that the Z-315 application is in conformance with the MXD (Mixed Use Development) Zone of the City's Zoning Ordinance and recommended approval with the following condition:

The Applicant and City shall record the Amendment to the X-182 Annexation Agreement prior to the approval of any future Schematic Development Plan or Amendment to Schematic Development Plan applications.

C. Evaluation and Findings

The Mayor & City Council agrees with the findings, conclusions, and recommendations of approval by the City Planning Commission and City staff. The Mayor & 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 the Mayor & City Council finds that the application accomplishes the purposes, objectives, minimum standards, and requirements of the MXD zone, as set forth in Chapter 24, Article III, Division 19, of the City Zoning Ordinance. The Mayor & City Council finds the Z-315 application meets the submission requirements for a sketch plan in that:

- 1) The applicant filed, together with the prescribed application fee, an application for approval of a Sketch Plan pursuant to the provisions of section 24-160D.9 of this Code;
- 2) The sketch plan depicts the boundaries of the entire tract or parcel;
- 3) The sketch plan provides generalized location of existing and proposed external roads and adjacent land use and development;
- 4) The sketch plan provides generalized location and description of various internal proposed land use components, including general information as to proposed densities and intensities, proposed size and heights of development;
- 5) The sketch plan provides generalized location, description and timing of proposed roads, proposed dedicated public lands and perimeter setback or buffer areas;
- 6) The sketch plan provides proposed phasing or staging plan of development, public facilities and information regarding such plan's consistency with provision of master planned and other necessary public facilities;
- 7) The sketch plan describes generalized area of woodlands, streams and watercourses and other areas intended for natural preservation, as well as an approved natural resource inventory/forest stand delineation, as defined in Chapter 22 of this Code, and required by section 22-7 thereof; and

8) The sketch plan demonstrates general compliance with master plan recommendations for the property, including any special conditions or requirements related to the property set forth in the master plan.

The Mayor & City Council finds the Z-315 application and sketch plan provides orderly staged development through a phasing schedule and fully integrates commercial, residential, open spaces and community facilities within the development. Employment and retail is located near residential and access is adequate based upon accepted sketch plan traffic studies and enhanced by a future transit center. Public water and sewer service currently serves adjacent development and is available to this site. No inadequacy or other concerns with respect to the provision of these facilities has been identified in the record.

The Mayor & City Council finds that the Z-315 application and sketch plan will be internally and externally compatible and harmonious with existing and planned land uses within the MXD zoned areas and adjacent areas. The Crown Farm development will provide a mix of land uses including residential, commercial, recreational, open space, and amenities that work to complement one another within a neighborhood framework. The densities and uses proposed in this sketch plan are harmonious and consistent with the surrounding developments of publicly owned land, office, research and development, residential uses, and among the internal neighborhoods of the Crown Farm. The proposed mix of Crown Farm land uses will provide shoppers and employees to the nearby Washingtonian Waterfront offices and retailers; the proposed 320,000 square feet of commercial space will serve the neighboring residential developments as well as the Crown residents; the future High School will service the greater Montgomery County community; and the future Corridor Cities Transitway (CCT) transit stop is to serve the Crown/Washingtonian region

The Mayor & City Council finds that the Crown Property is identified in the *2003 City of Gaithersburg Master Plan* as Special Study Area 4, that has yet to be completed or incorporated into the adopted plan. The Mayor & City Council further finds that the City Master Plan makes no specific land use or zoning recommendations for the property and is of the opinion that the annexation process and adoption of the X-182 Sketch Plan serve as guidance for land use in the same manner as an adopted Special Study Area. Therefore, the Z-315 application and sketch plan is in accord with any recommendations as the X-182 annexation agreement serves as an applicable master plan for the area .

In conclusion, the Mayor & City Council finds that Z-315, as submitted in accordance with Section 24-160D.11 and hereafter conditioned, is in the public interest and should be approved due to the presence of sufficient evidence in the record to indicate that the subject Amendment to Sketch Plan has accomplished the purposes of the MXD Zone, reflects an internally and externally compatible form of development, and is consistent with the City's Master Plan, as well as generally accepted City planning and land use policies, subject to the applicant complying with the conditions stated in this Ordinance.

AMENDMENT TO SKETCH PLAN Z-315

ORDINANCE

NOW, THEREFORE, BE IT ORDAINED by the City Council of Gaithersburg, that Application Z-315, being an application filed by the VII Crown Farm Owner LLC, is hereby approved with the following conditions required of the applicant:

The Applicant and City shall record the Second Amendment to the X-182 Annexation Agreement prior to the approval of any future Schematic Development Plan or Amendment to Schematic Development Plan applications.

ADOPTED by the Mayor and City Council of Gaithersburg, Maryland, on the 6th day of December, 2010.

SIDNEY A. KATZ, MAYOR
and President of the Council

DELIVERED to the Mayor of the City of Gaithersburg this 6th day of December, 2010.
APPROVED by the Mayor of the City of Gaithersburg this 6th day of December, 2010.

SIDNEY A. KATZ, MAYOR
and President of the Council

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council in public meeting assembled on the 6th day of December, 2010. This Ordinance will become effective on the 27th day of December, 2010.

Angel L Jones, City Manager