

MAYOR & COUNCIL AGENDA COVER SHEET

HUMANEWATCH.ORG

MEETING DATE:

October 15, 2007

CALL TO PODIUM:

Jacqueline Marsh

RESPONSIBLE STAFF:

**Fred Felton,
Assistant City Manger**

Jacqueline Marsh, Planner

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Joint Public Hearing
	Historic District Commission
	Consent Item
	Ordinance
	Resolution
X	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	8/15/2007
	8/22/2007
Hearing Date	9/4/2007
Record Held Open	10/8/2007
Policy Discussion	10/15/2007

TITLE: Z-306

Policy Discussion/Final Action

Amendment to the Sketch Plan for the Humane Society (HSUS) Property, Requesting up to 300,000 Square Feet of Office Development in Structures Between 6 and 12 Stories and up to 250-300 Residential Units. The Subject Property contains 10.5 Acres of Land and is Located East of I-270, South of the Existing Terminus of Professional Drive, and West of MD Route 355, North Frederick Avenue, in the Mixed Use Development (MXD) Zone.

SUPPORTING BACKGROUND:

This is an amendment to sketch plan request submitted by the Humane Society of the United States (HSUS). The proposal includes approximately 10.5 acres of property, located east of Interstate 270, south of the existing terminus of Professional Drive, and west of MD Route 355, North Frederick Avenue, in the Mixed Use Development (MXD) Zone.

This application proposes up to 300,000 square feet of office development in structures between 6 and 12 stories, up to 250-300 residential units in multifamily buildings between 6 and 12 stories, and a combination of above and below ground structured parking with limited surface parking. HSUS is requesting that all of the proposed density be phased so that no development would occur on this site until the Watkins Mill Road interchange is under construction.

A joint public hearing on this application for rezoning of the above referenced property was held on September 10, 2007. The Planning Commission made its recommendation for approval with thirteen (13) conditions on October 3, 2007 (Exhibit #20).

Only the exhibits received after the public hearing (listed in bold on the Index of Memoranda) have been included in this package.

Should the Mayor and City council wish to approve Z-306, a draft ordinance has been attached.

Attachments
Index of Memoranda
Exhibits attached in bold
Draft ordinance

DESIRED OUTCOME:

Hold policy discussion.

Draft ordinance attached, ready for final action.

STAFF COMMENTS FOR PLANNING COMMISSION

MEETING DATE: October 3, 2007

SUBJECT: Z-306

TITLE: Amendment to Sketch Plan

REQUEST: **RECOMMENDATION TO M&CC**

ADDRESS: 700 Professional Drive

APPLICANT: The Humane Society of the
United States (HSUS)

STAFF PERSON: Jacqueline Marsh, Planner

Enclosures:

Staff Analysis
Index of Memorandum and Exhibits (In **Bold**)

See attached Staff Analysis

Joint Public Hearing
Mayor and City Council
And Planning Commission
September 4, 2007

Z-306
Humane Society of the Untied States (HSUS) Property

Number Exhibit

1. Application for Amendment to the Zoning Map
2. Letter from C. Robert Dalrymple, dated August 8, 2007
3. Adjoining and Adjacent Property Owners
4. Natural Resources Inventory, approved January 24, 2007
5. Record Plat R-423
6. Traffic Study prepared by The Traffic Group, dated June 15, 2007
7. Aerial Location Map
8. Letter to Gazette requesting legal advertisement of Joint Public Hearing in the August 15 and 22, 2007, issues
9. Notice of Joint Public Hearing sent August 14, 2007, to Required Parties
10. Sketch Plan Amendment Site Plan
11. Letter from Norma Thacker, WSSC, dated August 14, 2007
12. Certified legal ad, received August 21, 2007
13. Letter to Gazette requesting legal advertisement of Joint Public Hearing in the September 7, 2007, issue
- 14. Cover Sheet for the September 10, 2007, Mayor and City Council meeting**
- 15. Letter from C. Robert Dalrymple, dated September 17, 2007**
- 16. Revised Sketch Plan Amendment Site Plan**

17. Joint Public Hearing Transcript

18. DRAFT minutes of the September 10, 2007, Mayor and City Council meeting

19. Staff Analysis

20. Planning Commission CPC recommending approval, October 3, 2007

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

September 4, 2007

CALL TO PODIUM:

Jacqueline Marsh

RESPONSIBLE STAFF:

**Greg Ossont, Director
Planning and Code
Administration**

**Lauren Pruss,
Planning Director**

Jacqueline Marsh, Planner

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
<input checked="" type="checkbox"/>	Joint Public Hearing
	Historic District Commission
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

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Advertised	8/15/2007
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TITLE: Z-306

Amendment to the Sketch Plan for the Humane Society (HSUS) Property, Requesting up to 300,000 Square Feet of Office Development in Structures Between 6 and 12 Stories and up to 250-300 Residential Units. The Subject Property contains 10.5 Acres of Land and is Located East of I-270, South of the Existing Terminus of Professional Drive, and West of MD Route 355, North Frederick Avenue, in the Mixed Use Development (MXD) Zone.

SUPPORTING BACKGROUND:

This is an amendment to sketch plan request submitted by the Humane Society of the United States (HSUS). The proposal includes approximately 10.5 acres of property, located east of Interstate 270, south of the existing terminus of Professional Drive, and west of MD Route 355, North Frederick Avenue, in the Mixed Use Development (MXD) Zone.

This property was rezoned to MXD as part of a Comprehensive rezoning after the 1997 Master Plan; however, a sketch plan was not approved during the rezoning process for unknown reasons. The existing 67,800 square foot, 2- story building at the site is the national headquarters of the HSUS.

This application proposes up to 300,000 square feet of office development in structures between 6 and 12 stories, up to 250-300 residential units in multifamily buildings between 6 and 12 stories, and a combination of above and below ground structured parking with limited surface parking. HSUS is requesting that all of the proposed density be phased so that no development would occur on this site until the Watkins Mill Road interchange is under construction.

Staff, in cooperation with Montgomery County and the State Highway Administration, has been in discussion with HSUS for some time in an effort to secure dedication of the interchange right-of-way located on their property, and believes that the densities and uses proposed in this sketch plan is harmonious with the recently approved Casey West and Casey East projects. Further, the uses and densities will promote signature buildings on I-270 when the interchange is built.

Attachments:

Z-306 Index of Memoranda and Exhibits identified in bold

DESIRED OUTCOME:

Hold Public Hearing.

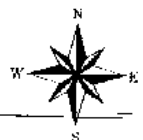
Staff recommends the Planning Commission hold the record open until 5PM on September 26th (22 days) with anticipated recommendation on October 3rd. Staff recommends the Mayor and City Council hold the record open until 5PM on October 8th (34 days) with anticipated policy discussion October 15th.

PERGAD 800-331-6989

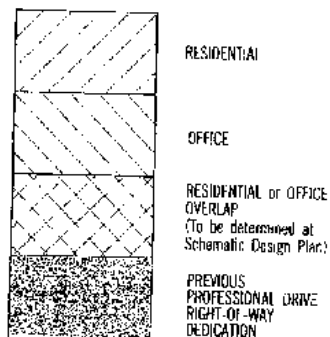
JOINT
EXHIBIT

#14

Z-306



LEGEND



SITE & DEVELOPMENT DATA

1. Existing Zoning: MCR
2. Site Area: 10.45 Acres
3. Proposed Development:
 - Residential: Up to 200 - 300 units
 - Office: Up to 100,000 sq. ft. (Maximum 6 to 12 stories)
4. Building Heights: 4 to 12 stories
5. Parking: Minimum 200 Structured
Maximum 100 Surface
(Shared parking to be encouraged)
6. Green Spaces:
 - Residential: Minimum of 400
 - Office: Minimum of 200
7. Forest Conservation: To be provided on site;
To be determined at Site Plan
8. Stormwater Management: To be provided by a combination of
above & below ground facilities;
Concept to be determined & approved
at time of Site Plan

BINDING ELEMENTS

The following Binding Elements are intended to be binding on both the property owner and the City of Baltimore.

1. Up to 200,000 sq. ft. of office in structures 6 to 12 stories in height.
2. Up to 200 to 300 residential units in structures 6 to 12 stories in height.
3. Parking will be provided in combination of above and below grade structures, on site surface parking. A minimum of a one-to-one ratio of parking exclusively for office and residential use must be in structures.
4. Stormwater management: Quality improvements will be met with a combination of surface and below-grade facilities. (Surface facilities to be at all times within the watershed, either on site or off-site). Below-grade facilities to be provided using below-grade or surface facilities.
5. Improvements will be provided for site specification.
6. A stormwater management plan shall be prepared at time of Schematic Development Plan.
7. A full traffic impact study, along with project phasing, will be approved at time of Schematic Development Plan with the study establishing the relationship of the interchange.
8. A Stormwater Management Plan to be submitted and approved at time of Schematic Development Plan.
9. Professional Drive is to be provided through the property with final alignment to be determined at Schematic Development Plan. Professional Drive right-of-way dedicated by Plan #1388 may be abandoned.
10. No development activity will begin until construction of Watkins Mill Road / I-270 interchange has commenced.
11. Area for Watkins Mill Road / Interstate 270 interchange is reserved by Florida Plan #1388 dedication upon final design of interchange.

Note: Base information by Rodgers Consulting

SITE SOLUTIONS, INC.
20000 Oceanview Drive, Suite 200
Gothamland, Maryland 20839-4000
(202) 444-7990 Fax (202) 444-7990
Providing Engineering, Landmarking, Planning

OWNER:

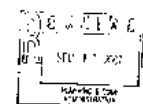
The Humane Society of the United States
700 Professional Drive
Gothamland, MD 20875

SKETCH PLAN AMENDMENT

THE HUMANE SOCIETY OF THE UNITED STATES
9th ELECTION DISTRICT
GATHERSPRING, MARYLAND

GENERAL NOTES

1. Boundary information was taken from tax map data, July, 1997. The subject property (10.45 acres) surfaces parcels 8026 (10.45 ac. ±) and 8027 (10.00 ac. ±). No property lines are shown.
2. Topography shown herein from AECOM digital files - file #225001. Contour interval = 5 ft.
3. Site Area: 10.45 Acres ±
4. Planning: To be completed in multiple phases following construction of I-270 + Watkins Mill Road interchange. Final plan to be determined at Schematic Design Submittal.
5. A wetland investigation was conducted by representatives of Rodgers Consulting, Inc. No wetlands were observed on the subject site.
6. Total lot area: 10.45 Acres ±. Total lot area: 10.45 Acres ±.
7. The subject site is located in the 9th Election District (State map 1-1).

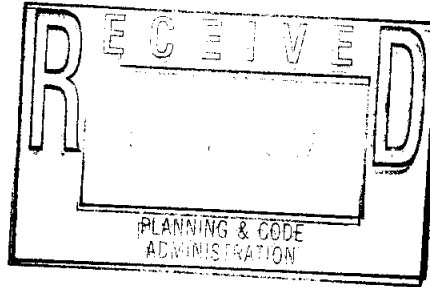


DATE: 08/11/2007
BY: [Signature]
CHECKED: [Signature]
APPROVED: [Signature]

JOINT
EXHIBIT
#16
Z-306

LINOWES
AND BLOCHER LLP
ATTORNEYS AT LAW

September 17, 2007



C. Robert Dalrymple
301.961.5208
bdalrymple@linowes-law.com

Mr. Greg Ossont
Director
Planning & Code Administration
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877-2098

Hand Delivered

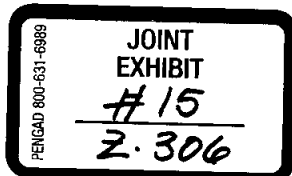
Re: Humane Society of the United States (HSUS); Z-306 (Sketch Plan Amendment)

Dear Mr. Ossont:

During the recent joint public hearing before the Mayor and Council and Planning Commission on the referenced matter, it was requested that HSUS revise its proposed Sketch Plan to correct certain errors that were contained in the binding elements referenced on the face of the Sketch Plan. It was also requested that the binding elements be separately set out in a letter so as to permit the Planning Commission and Mayor and Council to focus more intently on each of the binding elements during their respective worksessions relative to the proposed Sketch Plan Amendment. I am enclosing herewith 5 copies of the revised Sketch Plan, and this letter sets out the proposed binding elements.

The 11 binding elements proposed by the applicant to become binding upon both HSUS and the City should this Sketch Plan Amendment be approved are as follows:

1. Up to 300,000 square feet of office and structures 6 to 12 stories in height;
2. Up to 250 to 300 residential units and structures 6 to 12 stories in height;
3. Parking will be provided in combination of above and below grade structures, plus surface parking. A minimum of ninety percent of parking exclusively for office and residential use must be in structures;
4. Stormwater management quantity requirements will be met with a combination of surface and below-grade facilities (surface facilities to be wet ponds within the water



Mr. Greg Ossont
September 17, 2007
Page 2

shed, either on or off-site). Water quality facilities to be provided using below-grade or surface facilities;

5. Improvements will be qualified for LEED Certification;
6. A wildlife management plan shall be prepared at time of schematic development plan;
7. A full traffic impact study, along with project phasing, will be approved at time of schematic development plan with the study assuming the construction of the interchange;
8. A forest conservation plan to be submitted and approved at time of schematic development plan;
9. Professional Drive is to be extended through the property with final alignment to be determined at schematic development plan. Professional Drive right-of-way dedicated by Plat No. 13885 may be abandoned;
10. No development activity will begin until construction of Watkins Mill Road/I-270 Interchange has commenced;
11. Area for Watkins Mill Road/Interstate 270 Interchange is reserved by Sketch Plan with dedication upon final design of Interchange.

We request that you make this letter and the attached Sketch Plan Amendment parts of both the Planning Commission's and Mayor and Council's public records on this matter. We will be present for the October 3 Planning Commission worksession and the anticipated October 15th Mayor and Council session to answer any additional questions that either of these bodies may have relative to this request. In the meantime, if you need additional information or have any questions, please do not hesitate to contact me.

Very truly yours,

LINOWES AND BLOCHER LLP



C. Robert Dalrymple

Mr. Greg Ossont
September 17, 2007
Page 3

Enclosure

cc: Mr. Fred Felton (w/out encls.)
Ms. Lauren Pruss, Planning Director (w/out encls.)
Ms. Jacqueline Marsh, Planner (w/out encls.)
Mr. Tom Waite (w/out encls.)
Mr. Al Blumberg (w/out encls.)

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TRANSCRIPT OF
JOINT PUBLIC HEARING
ON

Z-306

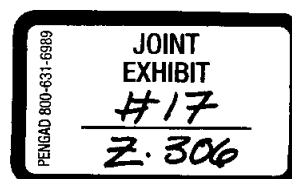
Amendment to the Sketch Plan for the Humane Society (HSUS) Property, Requesting up to 300,000 Square Feet of Office Development in Structures Between 6 and 12 Stories and up to 250-300 Residential Units. The Subject Property Contains 10.5 Acres of Land and is Located East of I-270, South of the Existing Terminus of Professional Drive, and West of MD Route 355, North Frederick Avenue, in the Mixed Use Development (MXD) Zone

BEFORE THE
CITY OF GAITHERSBURG
MAYOR AND CITY COUNCIL
and
PLANNING COMMISSION

on

September 10, 2007

Transcribed by
Doris R. Stokes



PARTICIPANTS

CITY COUNCIL

Mayor Katz
Council Vice President Alster
Council Member Edens
Council Member Marraffa
Council Member Sesma

PLANNING COMMISSION

Chair Bauer
Vice Chair Levy
Commissioner Hopkins
Commissioner Kaufman

CITY ATTORNEY

Cathy G. Borten

STAFF

Planner Marsh
Assistant City Manager Felton

SPEAKERS FROM THE PUBLIC

Tom Wade, Humane Society of the United States
Alfred Blumberg, Engineer, Sight Solutions
Robert Dalrymple, Linowes and Blocher, LLP

Katz Next we are going to hear from Jackie Marsh, please.

Marsh Thank you. This is a joint public hearing on Z-306 an amendment to the sketch plan for the Humane Society (HSUS) property, requesting up to 300,000 square feet of office development in structures between 6 and 12 stories and up to 250-300 residential units. The subject property contains 10.5 acres of land and is located east of I-270, south of the existing terminus of Professional Drive, and west of MD Route 355, North Frederick Avenue, in the Mixed Use Development (MXD) Zone. The hearing was duly advertised on August 15 and 22, 2007 in the *Gaithersburg Gazette*, the property has been posted. At the present time there are 10 exhibits in the record file. I would like to orient you to the site. The Humane Society property is located at 700 Professional Drive. Professional Drive ends here, just located East of I-270 and West of MD Route 355 and the proposed Casey East project is constructed to be here. This application proposes up to 300,000 square feet of office development and structures between 6 and 12 stories, up to 250 to 300 residential units in multifamily buildings between 6 and 12 stories, and a combination of above and below ground structured parking with limited surface parking. HSUS is requesting that all of the proposed density be phased so that no development would occur on this site until the Watkins Mill Road Interchange is under construction. By way of background, this property was rezoned to MXD as part of a comprehensive rezoning after the 1997 Master Plan; however, land was not approved during this rezoning process. The existing 67,800 square foot two story building at the site is the national headquarters of the HSUS. Staff, in cooperation with Montgomery County and the State Highway Administration (SHA), has been in discussion with HSUS for some time in an effort to secure dedication of the interchange right-of-way located on their property, and believes that the densities and uses proposed on this sketch plan are harmonious with the recently approved Casey West and Casey East

projects. To further explain this proposal is Tom Wade from the Humane Society.

Wade Good evening. My name is Tom Wade and I am the Chief Finance Officer for the Humane Society of the United States. And with me here tonight are Bob Dalrymple with Linowes and Blocher and my engineer Al Blumberg from Sight Solutions. 700 Professional Drive has been our headquarters for the past 15 years. We purchased the building back in 1992 from Tectronics. At that time it was a two story building. At that time we moved in on the top floor and we rented the bottom floor to Tectronics. Since then, we have grown considerably. Now we have over 400 employees and about half of them are located in the Gaithersburg building. So we have considering our options for growth. So that you know, in terms of our expansion plans, we would love to stay in the City of Gaithersburg. Our employees live here in the surrounding areas and its good proximity to the District of Columbia and we have other ties (inaudible) done a number of projects with you at Lakeforest, at Casey West. I couldn't mow my grass at the building for about a year because of that (inaudible) over there about 40 of them so we were looking at the critters for you guys. Casey East and we are working on the Crown Property as well. Now when we bought this property it had an Industrial Zone. And we started looking at a development for expansion opportunities, we realized that it was a MXD Zoning. So we been working with staff to come up with a plan which will give us a idea of what we can put on this site which would address the new zoning requirements, the Watkins Mill Interchange, and of course the surrounding developments, and that is the plan that is being presented tonight. And as you know, the Human Society is not a developer and we have no immediate plans to develop the property. But this property will be caught in our expansion plan either as redevelopment or (inaudible) or some other combination. Ultimately, we have an obligation to our constituents, our members, and

our donors to enhance the value of our assets and this is a significant asset with the Humane Society. So let me close by saying that we would like to have a quality development for this site. Something that serves the need for the market place that is appropriate, but also something the compliments the image of the City. I just thank you and the Council and Planning Commission for considering our application. I also want to thank the City staff for working with us to get us to this point. And now I will ask Bob Dalrymple to speak.

Dalrymple Good evening, Bob Dalrymple, Linowes and Blocher, LLP, on behalf of the Humane Society. I wished we planned ahead and had a commercial for you but we don't. Al Blumberg with Sight Solutions is here as well. We've been at this for quite awhile in discussion with staff. Primarily because I got a very hard head and I wanted more density, but it became obvious that we had pretty much come to a conclusion in terms of what we were going to be able to get the staff in return for the commitment that the Humane Society is willing to make. I will go through the binding elements here in a minute because that is really the crux of the plan. What has been put up, the plan is what Mr. Blumberg is going to try explain now. It's purposely vague because as Mr. Wade just described, the Humane Society is not a developer, but what we are looking to do is to lock in land uses and densities with binding elements and to provide commitment to dedicate the right-of-way. The road itself as it goes through the property will probably change over time, again, the idea being just to have something to take to schematic development plan as such time the Humane Society chooses to seek a development partner or sell the property. I will ask Mr. Blumberg to briefly describe the blob plan and then I will go through the binding elements.

Blumberg Good evening, Mr. Mayor, Members of the Council and the Planning Commission. My name is Alfred Blumberg with Sight Solutions and we

did prepare this concept plan, I prefer to call it a concept plan as opposed to a blob plan. It sounds a little bit more professional. We have 10.5 acres located just on the east side of I-270 Watkins Mill Road, it will be just to the south. And the Casey East development surrounds it on the south end and east. The concept is to have a mix of uses. We identified the office component surrounded in blue and the residential component in a tan color. Now this portion of Professional Drive was dedicated as part Tectronics subdivision and record plat but that very well may change and run through the middle, and that would be abandon at that time. There is a nine story residential building as part of the Casey East property just to the east of this property. And we see the residential component kind of relating to that. This is a very high elevation site and we see this as a well positioned property for a signature type of development which will be right at the interchange of Watkins Mill and I-270, sitting up high. So this will be a signature site location for an office type building mixed with residential and we don't know exactly what it is going to look like or how it is going to be formulated because we are at least five to seven years off to the construction of the interchange and with conditions to develop to property to follow the construction of that interchange. So how exactly will this property develop we don't know but we do know that we do want to do a high quality mixed used signature site type of development at this location and Mr. Dalrymple will go further into the types of conditions associated with the at development.

Dalrymple Thank you AI. There are eleven binding elements that are being proposed as part of the sketch plan with the intention of binding, will be binding on both the City and the applicant, moving forward to the SDP phase: 1) Up to 300,000 square foot of office with structures of 6 to 12 stories in height; 2) Up to 250 to 300 residential units in structure 6 to 12 stories in height; 3) Parking will be provided in a combination of above and below grade structures, plus surface parking. A minimum of 90 percent of parking

exclusively for office and residential use must be in structures; 4) Storm water management quantity requirements will be met with a combination of surface and below grade facilities (surface facilities shall be wet ponds within the watershed either on or off site. Water quantity facilities could be provided using below grade on surface facilities; 5) Improvements will be qualified for LEED Certification; 6) A wildlife management plan shall be prepared at the time of Schematic Development Plan (SDP); 7) A full traffic impact study, along with project phasing, will be approved at the time of SDP with the study assuming that the construction of the interchange; 8) A forest conservation plan to be submitted and approved at time of SDP; 9) Professional Drive is to be extended through the property with final alignment to be determined at SDP, Professional Drive right-of-way, as dedicated on Plat #13885, may be abandoned; 10) No development activity will begin until construction of Watkins Mill Road/I-270 interchange has commenced; and the final condition 11) Areas for Watkins Mill Road/I-270 is reserved by Sketch Plan with dedication upon final design of the Interchange. So those are the binding elements that we are proposing to you this evening. And we are here to answer any questions that you may have.

Katz Thank you very much. Any questions?

Bauer I guess I'll ask it just out of context. It wasn't stated abruptly but it seems like what needs to be said that this is in fact a density that is consistent with Casey East and Monument that is already on the way. (inaudible) get through the macro planning for the site along I-270 and I think seems to be (inaudible) to the numbers, but it also needs to be said in direct terms if that fact (inaudible) something that's aligned with what else is going on around it.

Dalrymple We have been very aware of what's going on with Casey East and Casey West. We met with Mr. Henry on several occasions. We've been in meetings with your staff. In fact there has been a lot coordination already at a very conceptual stage not only in terms of the compatibility and the development, but of stormwater management access and pedestrian vehicular circulation and the likes of that sought.

Katz And we need to keep in mind that there will be an interchange, hopefully sooner rather than later, that makes a difference. Any other questions?

Sesma I basically want to reinforce what John said. One of my concerns was when we looked at Casey East was the configuration of that the property and knowing that this was potentially going to happen. It was nice to see a plan that is well integrated and compatibility on both side of the boundaries between the two properties.

Katz Ok. Anyone else?

Marraffa I think this is almost a necessity to do this. All the Professional Drive structure and with the new Casey East and West, it makes that whole part of the City a very good development plan and that's the worse thing that could happen to this type of work. I like the plan.

Katz This is a joint public hearing as well. Does anyone want to speak on this topic? Ok, you know the rules. I don't have to read them, please.

Drzyzgula Cathy Drzyzgula, 16 Walker Avenue. I don't really have too much comments. There are a number of development plans coming along in this area of town and I think that is a good thing. I just have a question on how this sought of conditions or promises that are going into the plan work

with things like the adequate public facilities ordinance (APFO), because there is no timeframe on this, what would happen if there were school capacity issues when we (inaudible) something like that. How does that workout?

Felton The APFO will have to be complied with (inaudible) schematic development plan. There is a preliminary traffic study and now there has to be another one for SDP. And the schools test kicks in at SDP. Currently schools are ok, but we don't know how it is going to be in five to seven years. The applicant will have to comply with whatever is currently in effect.

Katz Anyone else from the public, please?

Bauer There were some conditions read into the record. I didn't see it presented in our packets.

Katz Those are going to have to be clarified.

Bauer If you can bring that for our review.

Marsh The applicant needs to change it on the sketch plan, they need to change the notes from site plan to schematic development plan.

Alster Even more than that, there is a letter from Mr. Dalrymple which identifies I believe four conditions. He went through a list of eleven conditions. I think it's important that for the record, that we have that complete list for Planning Commission and for Mayor and Council.

Marsh It's on the plan.

Katz Beyond that, we need to discuss whether or not the binding elements for the elements that we want to be bond by, so that is the discussion. Any other discussion, if not?

Bauer Staff recommended that the Planning Commission hold their record open until 5 p.m. on Wednesday, September 26, 2007, that's 22 days, with anticipated recommendation on Wednesday, October 3, 2007.

Hopkins So moved.

Kaufman Second.

Bauer It's been moved and seconded. All those in favor please say aye?

Commission Ayes. (4-0).

Bauer Opposed? That passes unanimously, Mr. Mayor.

Katz Thank you very much. It was suggested that Mayor and City Council record be held open until 5 p.m. on Monday, October 8, 2007, with an anticipated policy discussion on Monday, October 15, 2007. What is the pleasure of the Council?

Edens So moved.

Sesma Second.

Katz It's been moved and seconded. All those in favor please say aye?

Council Ayes (4-0).

Katz Opposed? That carries unanimously (4-0). I thank you very much.

End of Joint Public Hearing
Z-306

3. **JOINT - Z-306, Amendment to the Sketch Plan for the Humane Society (HSUS) Property, Requesting up to 300,000 Square Feet of Office Development in Structures Between 6 and 12 Stories and up to 250-300 Residential Units. The Subject Property Contains 10.5 Acres of Land and is Located East of I-270, South of the Existing Terminus of Professional Drive, and West of MD Route 355, North Frederick Avenue, in the Mixed Use Development (MXD) Zone**

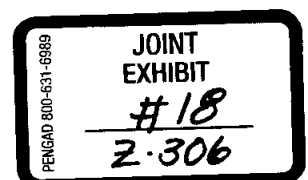
Planner Marsh stated that the above joint public hearing was advertised in the August 15 and 22, 2007 issues of the *Gaithersburg Gazette*. The subject property contains 10.5 acres of land located east of I-270, south of the existing terminus of Professional Drive, and west of MD Route 355, North Frederick Avenue, in the Mixed Use Development (MXD) Zone. She stated that HSUS is requesting that all of the proposed density be phased so that no development would occur on this site until the Watkins Mill Road Interchange is under construction. Planner Marsh gave background on the site stating that the property was rezoned to MXD as part of a comprehensive rezoning after the 1997 Master Plan; however, land was not approved during this rezoning process. The existing 67,800 square foot two-story building at the site is the national headquarters of the HSUS. Staff, in cooperation with Montgomery County and the State Highway Administration (SHA), have been in discussion with HSUS in an effort to secure the dedication of the interchange right-of-way located on their property and believes that the densities and uses proposed on the sketch plan are harmonious with the recently approved Casey West and Casey East projects.

Tom Wade, Chief Finance Officer, Humane Society of the United States stated that 700 Professional Drive has been headquarters for the past 15 years. The company has over 400 employees and is now considering their expansion options. The property when purchased was zoned Industrial. Since the company began looking at development for expansion opportunities, they realized that the property was in MXD Zoning and have been working with City staff to come up with a plan to address the new zoning requirements, the Watkins Mill Interchange, and the surrounding developments.

Bob Dalrymple, Linowes and Blocher, LLP, on behalf of the Humane Society reviewed the proposed eleven binding elements for both the City and the applicant as part of the sketch plan, moving forward to the SDP phase: 1) Up to 300,000 square foot of office with structures of 6 to 12 stories in height; 2) Up to 250 to 300 residential units in structure 6 to 12 stories in height; 3) Parking will be provided in a combination of above and below grade structures, plus surface parking. A minimum of 90 percent of parking exclusively for office and residential use must be in structures; 4) Storm water management quantity requirements will be met with a combination of surface and below grade facilities (surface facilities shall be wet ponds within the watershed either on or off site. Water quantity facilities could be provided using below grade on surface facilities; 5) Improvements will be qualified for LEED Certification; 6) A wildlife management plan shall be prepared at the time of Schematic Development Plan (SDP); 7) A full traffic impact study, along with project phasing, will be approved at the time of SDP with the study assuming that the construction of the interchange; 8) A forest conservation plan to be submitted and approved at time of SDP; 9) Professional Drive is to be extended through the property with final alignment to be determined at SDP, Professional Drive right-of-way, as dedicated on Plat #13885, may be abandoned; 10) No development activity will begin until construction of Watkins Mill Road/I-270 interchange has commenced; and the final condition 11) Areas for Watkins Mill Road/I-270 is reserved by Sketch Plan with dedication upon final design of the Interchange.

Alfred Blumberg, Sight Solutions, reviewed the concept plan. He stated that the concept is to have a mix of uses on the site such as an office type building mixed with residential.

In response to questions, Mr. Dalrymple stated that HSUS has been aware of the Casey East and Casey West projects and has met with the developer and City staff on several occasions to ensure compatibility and integration with the surrounding properties.



Cathy Drzyzgula, 16 Walker Avenue, expressed concern and questioned how the plan work with the adequate public facilities ordinance (APFO), because no timeframe has been established and school capacity issues. Assistant City Manager Felton responded that the APFO will have to be observed and the applicant will have to comply with whatever is currently in effect for the schools test.

There were no other speakers at the hearing.

Motion was made by Commissioner Hopkins, seconded by, Commissioner Kaufman, that the Planning Commission record on the Z-306, be closed on September 26, 2007, 5 p.m.

Vote: 4-0

Motion was made by Council Member Edens, seconded by, Council Member Sesma, that the Mayor and City Council record on the Z-306, be closed on October 8, 2007, 5 p.m.

Vote: 4-0

XII. ORDINANCES, RESOLUTIONS, AND REGULATIONS

1. Introduction of an Ordinance to Amend and Adopt the City Budget

Finance and Administration Director Belton introduced the above ordinance amending the City's adopted budget ending FY'07. The proposed ordinance amends the City Budget, which provides a complete financial plan, including amended revenues and amended expenditures for the Fiscal Year 2006-2007. The amendment accounts for the transfer of funds in the Group Insurance Reserve Fund Balance to the Retiree Health and Welfare Benefit Trust Fund (the "Fund"). The Fund was approved by Resolution Number R-36-07 of the Mayor and City Council on May 7, 2007, in order to comply with the requirements of GASB 45. He stated that the City's external auditors recommended the proposed ordinance to accurately reflect the transfer of funds from the General Operating Fund to the Retiree Health and Welfare Benefit Trust Fund (the "Fund"). The City Charter, Section 45 authorizes the council, at any time, by ordinance, to amend the budget to allow expenditure of excess revenues. These amounts have previously been recognized as Group Insurance Reserve Fund Balance for Retirees. Mr. Belton stated that it will be a one time budget adjustment as the FY 2008 budget accounts for the transfer. Staff was directed to advertise the proposed ordinance for a public hearing on October 1, 2007.

Motion was made by Council Member Sesma, seconded by, Council Member Marraffa, that AN ORDINANCE TO AMEND AND ADOPT THE CITY BUDGET FOR THE FISCAL YEAR JULY 1, 2006, THROUGH JUNE 30, 2007, TO COMPLY WITH GASB 45 FUNDING, be introduced.

Vote: 4-0

COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Planning Commission

FROM: Jacqueline Marsh, Planner

DATE: September 27, 2007

SUBJECT: Staff Analysis Z-306; Amendment to Sketch Plan

APPLICANT/PROPERTY OWNER:

Humane Society of the United States
700 Professional Drive
Gaithersburg, MD 20879

REQUEST:

The Humane Society of the United States (HSUS) submitted a proposal for sketch plan approval for up to 300,000 square feet of office development in structures between 6 and 12 stories and up to 250-300 residential units in multifamily buildings between 6 and 12 stories, on approximately 10.5 acres of property.

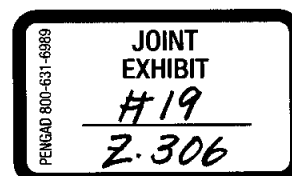
GENERAL INFORMATION

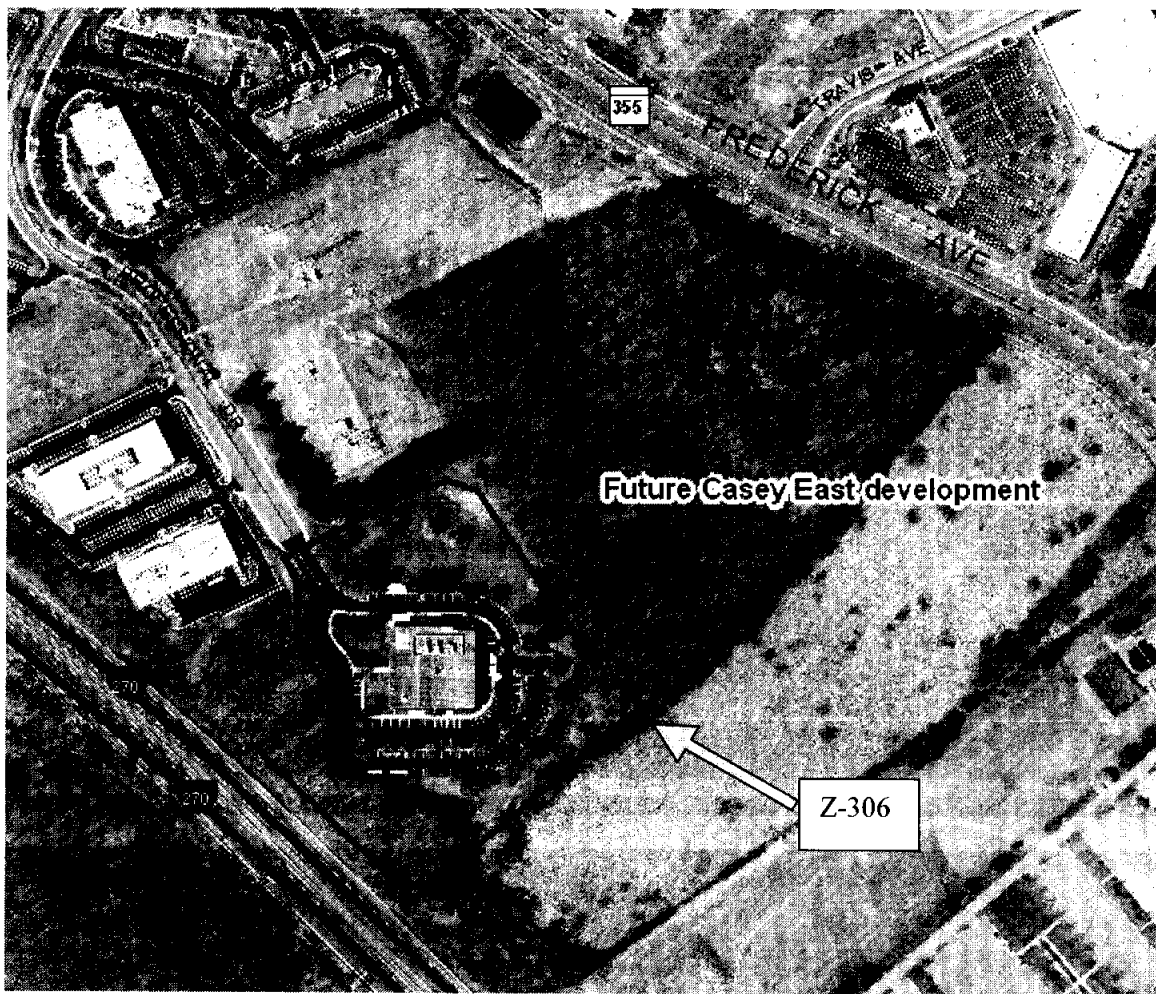
LOCATION:

The site, Parcel N526, is located east of Interstate I-270, south of the existing terminus of Professional Drive, and west of MD Route 355, North Frederick Avenue, in the MXD (Mixed Use Development) Zone. Proposed directly to the north of the property is the future Spectrum at Watkins Mill, known as the Casey East property.

TAX MAP REFERENCE:

Tax Sheet: FT23
Tax ID Number: 09-02214652





Aerial location map

MASTER PLAN, ZONING, AND SITE PLAN HISTORY:

Annexation:

The site was part of annexation application X-101 containing approximately 57 acres of land. At the time of annexation, the property was zoned I-3 (Industrial Office Park). These properties have been within the boundaries of the city of Gaithersburg for many decades.

Annexation File Number	Effective Date of Annexation	Action By Council	Resolution Number	Number Of Acres
X-101	06/17/1971	05/03/1971	R-15-71	57.220200

On December 16, 1981, the Planning Commission approved final site plan S-657, a request for a 67,115 square foot office building, known as the Tektronix Office Building. On June 15, 1983 the plan was amended to reduce the total square footage to 62,000 square feet. In 1992, the Humane Society of the United States (HSUS) purchased the building from Tektronix.

The subject property was designated as part of Study Area 3 in Neighborhood Six in the 1997 Land Use Plan of the Master Plan. It was recommended that the parcels be redesignated to allow for expansion of research and development uses under the most flexible zoning options available. It further stated the designation would permit greater zoning flexibility, higher level of design control, and a wider range of uses. The plan acknowledged that the area was a good location for signature buildings where high visibility from Interstate 1-270 would create an attractive visual image for the City of Gaithersburg.

- Adopted commercial/industrial-research-office land use designation
- Parcel rezoned to MXD (Mixed Use Development)



Z-285: Comprehensive Rezoning of Neighborhood Six

On April 7, 1997, the Mayor and City Council adopted Ordinance O-12-97, approving Comprehensive Map Amendment Application Z-285, which reclassified and reconfirmed zoning for Neighborhood Six in the City of Gaithersburg. The changes were as follows:

Adopted Zoning	Parcel Number	Property Owners	1996 Zoning	Total Acres
C-2	N-093, N956	Sports Pavillion, Inc.	I-3	4.0
MXD	Crowne Point, Parcel C	Manekin Corporation	I-3	43.53
		Humane Society	I-3	10.48
		Lockheed-Martin	I-3	47.0
TOTAL				105.0

The above chart shows the Humane Society was rezoned to MXD from I-3 as a part of the Comprehensive Rezoning in order to implement the land use goals and recommendations of the Neighborhood Six Land Use Plan. As was customary in previous City sponsored comprehensive rezoning applications, a sketch plan was not submitted.

Land Use Element of the 2003 Master Plan

The 2003 Master Plan Land Use map designates this property as Commercial/Industrial-Research-Office. There was no specific map designation for the property, nor was it a part of a Special Study Area.

EXISTING LAND USE/PHYSICAL CHARACTERISTICS:

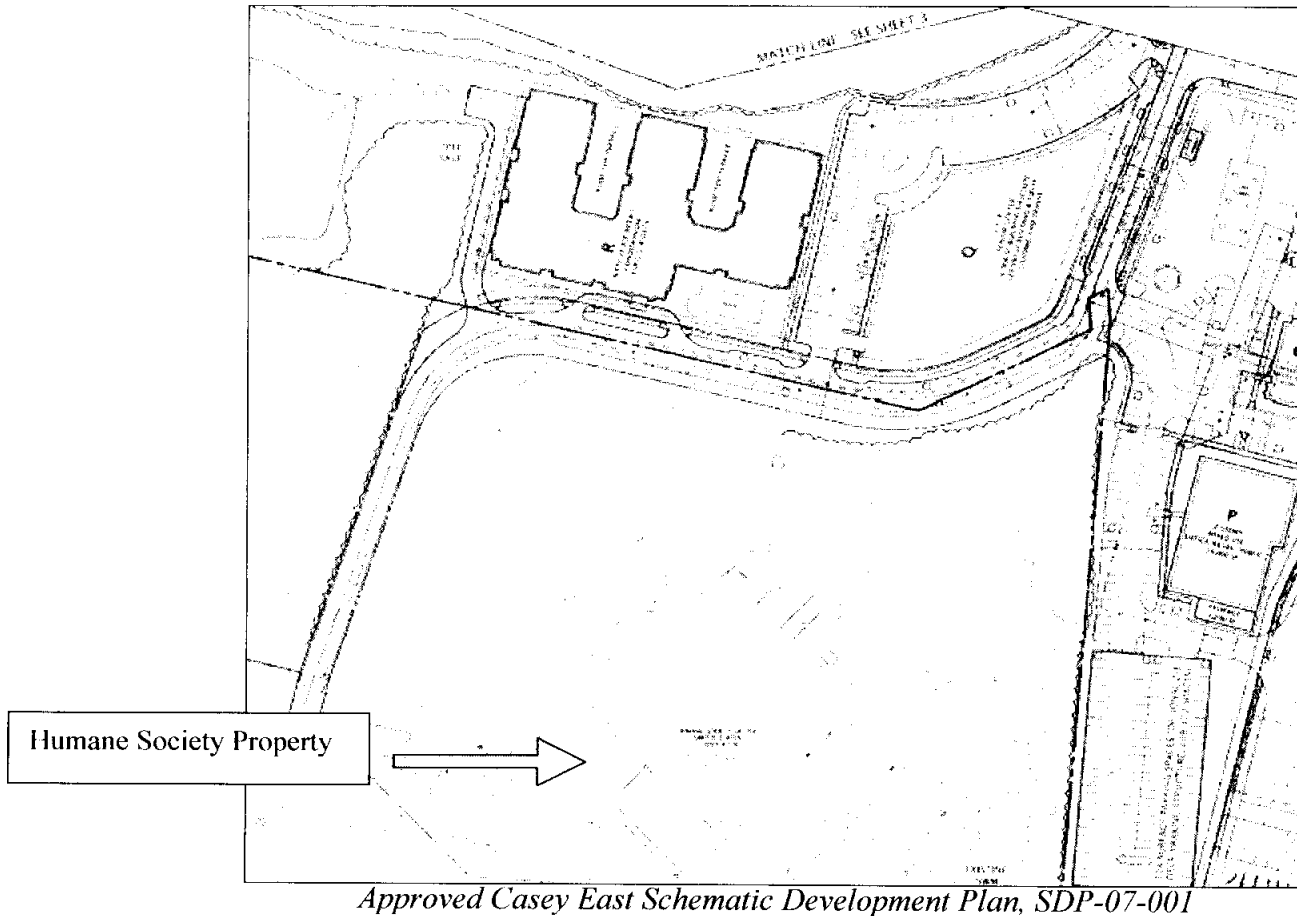
The subject site is 10.5 acres with an existing 67,800 square foot 2-story building with associated surface parking and infrastructure, such as utilities and storm water management. The building houses the headquarters of the Humane Society of the United States.

The property contains 2.78 acres of forest and more than 30 specimen trees. The property contains no intermittent or perennial streams on or within 200 feet of the property. As such, the property does not have any areas within a stream valley buffer. The Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved by the City's Environmental Affairs Division on January 24, 2007.

NEIGHBORHOOD LAND USE AND ZONING:

The subject property is bounded by Mixed Use Development (MXD) zoning to the east, north, and west. Located to the east of the property is the Gaithersburg Research and Development/Crown Point 3 development with two office/warehouse buildings totaling 85,590 square feet. To the north

and west of the property is the land proposed to be developed as The Spectrum at Watkins Mill, known as Casey East. The approved amendment to the schematic development plan for Casey East, SDP-07-001, was approved by the Mayor and City Council on August 20, 2007. The schematic development plan shows a nine-story residential building with 158 age-restricted units to the north, a 30,000 square foot senior center to the north-east, and a 29,200 square foot mixed use building and surface parking to the east.



To the south of the property, across Interstate I-270, is the Watkins Mill Town Center development, known as Casey West, which was approved as final site plan SP-05-0013 on May 3, 2006 by the Planning Commission. The development includes over 1,000,000 square feet of office/commercial/mixed use development and over 1,000 dwelling units.

SCHOOLS:

The schools that currently serve the proposed development are Watkins Mill Elementary School, Montgomery Village Middle School and Watkins Mill High School. At the time of schematic development plan approval, the proposal must not exceed 110% of the Montgomery County Schools Program Capacity for the applicable schools, a requirement of the Adequate Public Facilities Ordinance (APFO), adopted by the City on January 22, 2007.

TRANSPORTATION:

Maryland State Highway Administration, along with Montgomery County and the City of Gaithersburg, have targeted the construction of a new interchange at Watkins Mill Road and I-270, which will serve to provide both substantial relief to the Route 355/124 intersection as well as providing the City with a much needed additional east/west connector over I-270.

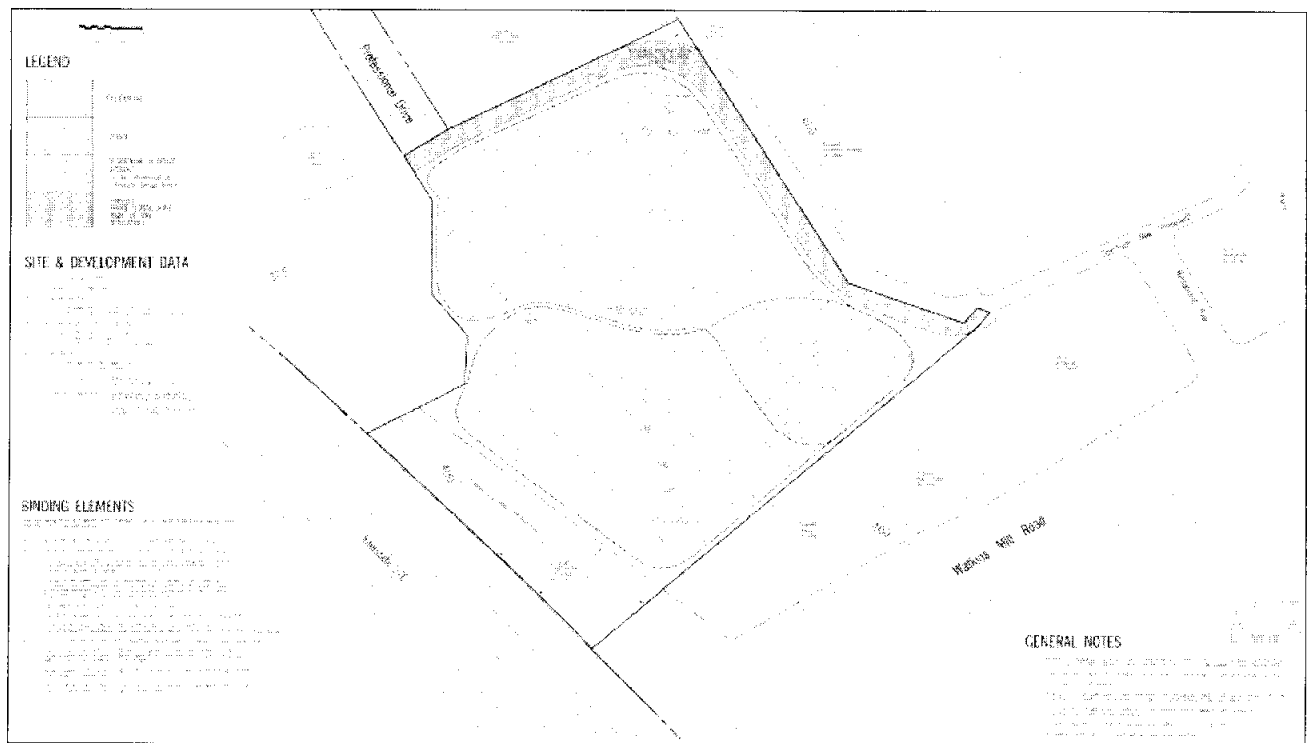
Development of the subject proposal is contingent upon the construction of the Watkins Mill Interchange at I-270. The applicants have indicated that the intention of the sketch plan is to dedicate a 1.25-acre right-of-way for the future on-ramp to northbound I-270. The applicant has been working with the City, Montgomery County Department of Transportation, and the State Highway Administration to secure the right-of-way area, which is an integral part of the interchange.

The Watkins Mill Road Extension leading up to the interchange, as well as portions of land for the interchange itself, is proposed as part of the Casey East project. The Maryland State Highway Administration is currently in the engineering phase for the Watkins Mill Road interchange; however, based on conversations with State Highway Administration officials and testimony given, both County and City staff do not believe the State will move forward with construction of the interchange until Watkins Mill Road extended is constructed.

It may be desirable to extend Professional Drive through the Humane Society property. This will establish a connection from the existing Professional Drive north of the HSUS property to the proposed Spectrum Way and Restaurant Row through the Casey East property and to Watkins Mill Road. There is currently a right-of-way dedication on the HSUS property for the extension of Professional Drive, which will be reconfigured at the time of Schematic Development Plan submission.

SKETCH PLAN PROPOSAL:

The applicants are proposing up to 300,000 square feet of office development in structures between 6 and 12 stories, up to 250-300 residential units in multifamily buildings between 6 and 12 stories, and a combination of above and below ground structured parking.



Revised Sketch Plan Amendment – Exhibit #16

There are eleven binding elements proposed by the applicant that shall become binding upon the applicant and the City of Gaithersburg upon Sketch Plan approval. They are as follows:

1. Up to 300,000 square feet of office in structures 6 to 12 stories in height;
2. Up to 250 to 300 residential units in structures 6 to 12 stories in height;
3. Parking will be provided in a combination of above and below grade structures, plus surface parking. A minimum of ninety percent of parking exclusively for office and residential use must be in structures;
4. Storm water management quantity requirements will be met with a combination of surface and below-grade facilities (surface facilities shall be wet ponds within the watershed, either on or off-site). Water quality facilities to be provided using below-grade or surface facilities;
5. Improvements will be qualified for Leadership in Energy and Environmental Design (LEED) Certification;
6. A wildlife management plan shall be prepared at the time of Schematic Development Plan;
7. A full traffic impact study, along with project phasing, will be approved at the time of Schematic Development Plan with the study assuming the construction of the interchange;

8. A forest conservation plan is to be submitted and approved at the time of Schematic Development Plan;
9. Professional Drive may be extended through the property with the final alignment to be determined at Schematic Development Plan. The Professional Drive right-of-way, as dedicated on Plat #13885, may be abandoned;
10. No development activity will begin until construction of Watkins Mill Road/I-270 interchange has commenced; and
11. Area for Watkins Mill Road/Interstate 270 Interchange is reserved by the Sketch Plan with dedication upon final design of Interchange.

A joint public hearing was heard on this request on September 10, 2007, where a presentation was given by Tom Waite, representative of HSUS, Bob Dalrymple of Linowes and Blocher, attorney for HSUS, and Al Blumberg of Site Solutions, engineer for the applicant. The Planning Commission held its record open until September 26, 2007, and is scheduled to make a recommendation to the Mayor and City Council on October 3, 2007. The Mayor and City Council is anticipated to hold a policy discussion with final action on October 15, 2007.

STAFF ANALYSIS AND RECOMMENDATION:

This application conforms to the purpose of the MXD Zone, is consistent with the purpose of the 1997 Land Use Plan of the Master Plan, the 2003 Master Plan Land Use Element and the Master Plan themes. The densities and uses proposed in this sketch plan are harmonious and consistent with the proposed surrounding developments, Casey West and Casey East. The uses and densities will promote signature buildings along the I-270 corridor upon completion of the Watkins Mill Interchange. The plan will provide the City with the ability to deliver to the necessary right-of-way to the State Highway Administration to help expedite the construction of the Watkins Mill interchange.

The Planning Commission is to provide a recommendation to the Mayor and Council for the Amendment to Sketch Plan Z-306. Staff recommends that the Planning Commission give a favorable recommendation of the development proposal to the Mayor and City Council for the Amendment to Schematic Development Plan, Z-306, with the following conditions:

1. Future development of the site may include up to 300,000 square feet of office in structures 6 to 12 stories in height;
2. Future development of the site may include up to 250 to 300 residential units in structures 6 to 12 stories in height;
3. The applicant shall provide parking in a combination of above and below grade structures, plus surface parking. A minimum of ninety percent of parking exclusively for office and residential use must be in structures;

4. The applicant shall meet storm water management quantity requirements with a combination of surface and below-grade facilities (surface facilities to be wet ponds within the watershed, either on or off-site). Water quality facilities shall be provided using below-grade or surface facilities. The applicant shall add a note to indicate that recharge will be provided onsite;
5. Improvements will be qualified for Leadership in Energy and Environmental Design (LEED) Certification;
6. A wildlife management plan shall be prepared at the time of Schematic Development Plan;
7. A full traffic impact study, along with project phasing, will be approved at the time of Schematic Development Plan with the study assuming the construction of the interchange;
8. A forest conservation plan is to be submitted and approved at time of Schematic Development Plan;
9. Professional Drive may be extended through the property with the final alignment to be determined at Schematic Development Plan. The Professional Drive right-of-way, as dedicated on Plat #13885, may be abandoned;
10. No development activity will begin until construction of Watkins Mill Road/I-270 interchange has commenced;
11. The area for Watkins Mill Road/Interstate 270 Interchange is reserved by Sketch Plan with dedication upon final design of Interchange; and
12. Prior the signature of the Sketch Plan, the applicant shall provide a green space percentage for the combination of residential/office use.

COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Mayor and City Council

VIA: David Humpton, City Manager *DH*

FROM: Jacqueline Marsh, Planner *gm*

DATE: October 4, 2007

SUBJECT: Z-306 - The application proposes up to 300,000 sq. ft. of office development in structures between 6 and 12 stories, up to 250 and 300 residential units in structures between 6 and 12 stories, and structured parking.

At its regular meeting on October 3, 2007, the Planning Commission made the following motion:

Vice-Chair Levy moved, seconded by Commissioner Kaufman, to recommend Z-306 for approval to the Mayor and City Council, with the following conditions:

1. Future development of the site may include up to 300,000 square feet of office in structures 6 to 12 stories in height;
2. Future development of the site may include up to 250 to 300 residential units in structures 6 to 12 stories in height;
3. The applicant shall provide parking in a combination of above and below grade structures, plus surface parking. A minimum of ninety percent of parking exclusively for office and residential use must be in structures;
4. The applicant shall meet storm water management quantity requirements with a combination of surface and below-grade facilities (surface facilities to be wet ponds within the watershed, either on or off-site). Water quality facilities shall be provided using below-grade or surface facilities. The applicant shall add a note to indicate that recharge will be provided onsite;



5. Improvements will be qualified for Leadership in Energy and Environmental Design (LEED) Certification;
6. A wildlife management plan shall be prepared at the time of Schematic Development Plan;
7. A full traffic impact study, along with project phasing, will be approved at the time of Schematic Development Plan with the study assuming the construction of the interchange;
8. A forest conservation plan is to be submitted and approved at time of Schematic Development Plan;
9. Professional Drive may be extended through the property with the final alignment to be determined at Schematic Development Plan. The Professional Drive right-of-way, as dedicated on Plat #13885, may be abandoned;
10. No development activity will begin until construction of Watkins Mill Road/I-270 interchange has commenced;
11. The area for Watkins Mill Road/Interstate 270 Interchange is reserved by Sketch Plan with dedication upon final design of Interchange;
12. Prior the signature of the Sketch Plan, the applicant shall provide a green space percentage for the combination of residential/office use; and
13. Final alignment of Professional Drive and connections shall be provided to fully integrate the site to adjacent land uses.

Vote: 5-0

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE
CITY OF GAITHERSBURG GRANTING APPROVAL FOR
AMENDMENT TO PREVIOUSLY APPROVED APPLICATION Z-285 AND
APPROVING A NEW SKETCH PLAN IDENTIFIED AS APPLICATION Z-306 FOR
LAND, KNOWN AS THE HUMANE SOCIETY OF THE UNITED STATES
PROPERTY, 700 PROFESSIONAL DRIVE, CONTAINING APPROXIMATELY
10.5 ACRES OF PROPERTY
ZONED MIXED USE DEVELOPMENT (MXD)

Z-306

OPINION

Application Z-306 has come before the Mayor and City Council for approval as an amendment to previously approved Application Z-285 map amendment 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 10.5 acres of land and concerns the site, known as Parcel N526, located east of Interstate I-270, south of the existing terminus of Professional Drive, and west of Maryland Route 355, North Frederick Avenue. Proposed directly to the north of the property is the future Spectrum at Watkins Mill, known as the Casey East property.

OPERATIVE FACTS

A. Background

The subject site was annexed into the City of Gaithersburg on June 17, 1971 as part of the approval of Annexation Application X-101 (Resolution R-15-71). The annexation involved approximately 57.2 acres of land and classification of the land in its entirety in the I-3 (Industrial Office Park) Zone by Resolution R-16-71.

The subject property was designated as part of Study Area 3 in Neighborhood Six of the 1997 Land Use Plan of the Master Plan. The Master Plan recommended that the parcels be reclassified to allow for expansion of research and development uses under the most flexible zoning options available. It further stated the designation would permit greater zoning flexibility, higher level of design control, and a wider range of uses. The Master Plan acknowledged that the area was a good location for

signature buildings where high visibility from Interstate 1-270 would create an attractive visual image for the City of Gaithersburg.

The map designation proposed a land use and zoning action to adopt a commercial/industrial-research-office land use designation and rezone the parcel to MXD (Mixed Use Development).

On April 7, 1997, the site was rezoned MXD (Mixed Use Development) as part of the Comprehensive Zoning Map Amendment application Z-285 approved by the Mayor and Council by Ordinance O-12-97. The site is located east of Interstate I-270, south of the existing terminus of Professional Drive, and west of MD Route 355, North Frederick Avenue.

The 2003 Master Plan Land Use map designates this property as Commercial/Industrial-Research-Office. There was no specific map designation for the property, nor was it a part of a Special Study Area.

The subject site is 10.5± acres with an existing 67,800 square foot two-story building, associated surface parking and infrastructure, such as utilities and storm water management. The building houses the headquarters of the Humane Society of the United States.

B. Current Application:

On August 8, 2007, the applicant, Tom Waite, on behalf of the Humane Society of the United States (HSUS), submitted an Amendment to Sketch Plan Application for approximately 10.5 acres known as the Humane Society Property at 700 Professional Drive. The file number and name for the amendment to sketch plan are Z-306 and the Humane Society Property, respectively.

The application proposes up to 300,000 square feet of office development in structures between six (6) and twelve (12) stories, up to 250-300 residential units in multifamily buildings between six (6) and twelve (12) stories in height, and a combination of above and below ground structured parking.

There are eleven binding elements proposed by the applicant that shall become binding upon the applicant upon Sketch Plan approval. They are as follows:

1. Up to 300,000 square feet of office in structures 6 to 12 stories in height;
2. Up to 250 to 300 multi-family residential units in structures 6 to 12 stories in height;
3. Parking will be provided in a combination of above and below grade structures, plus surface parking. A minimum of ninety percent of parking exclusively for office and residential use must be in structures;

4. Stormwater management quantity requirements will be met with a combination of surface and below-grade facilities (surface facilities shall be wet ponds within the watershed, either on or off-site). Water quality facilities to be provided using below-grade or surface facilities;
5. Improvements will be qualified for Leadership in Energy and Environmental Design (LEED) Certification;
6. A wildlife management plan shall be prepared at the time of Schematic Development Plan;
7. A full traffic impact study, along with project phasing, will be subject to city approval at the time of Schematic Development Plan approval with the study assuming the construction of the interchange;
8. A forest conservation plan is to be submitted and approved at the time of Schematic Development Plan;
9. Professional Drive may be extended through the property with the final alignment to be determined at Schematic Development Plan approval. The Professional Drive right-of-way, as dedicated on Plat #13885, may be abandoned;
10. No development activity will begin until construction of the Watkins Mill Road/I-270 interchange has commenced; and
11. Area for Watkins Mill Road/Interstate 270 Interchange is reserved by the Sketch Plan with dedication upon final design of the Interchange.

The Mayor and City Council and Planning Commission held a joint public hearing on the Z-306 application on September 10, 2007 at which time evidence was received on the subject application.

During the public hearing, the applicant and applicant's representatives presented and discussed their plans for development and expansion opportunities, the Watkins Mill Interchange, and surrounding developments. The applicant's representatives further listed the associated eleven (11) binding conditions and reviewed the sketch plan application, indicating the concept is to have a mix of uses such as an office building mixed with residential. A comment was made from the public that inquired about the plan and timing with the Adequate Public Facilities Ordinance (APFO). At the conclusion of the joint public hearing, the Planning Commission agreed to hold their record open until September 26, 2007. The Mayor and City Council agreed to keep their record open until October 8, 2007.

The Planning Commission made its recommendation on October 3, 2007, and forwarded its recommendation of approval to the Mayor and City Council for Z-306. Based on their review of the evidence, the Planning Commission further found that the Z-306 application is in conformance with the MXD (Mixed Use Development) Zone of the City's Zoning Ordinance and recommended approval with these conditions:

1. Future development of the site may include up to 300,000 square feet of office in structures 6 to 12 stories in height;
2. Future development of the site may include up to 250 to 300 residential units in structures 6 to 12 stories in height;
3. The applicant shall provide parking in a combination of above and below grade structures, plus surface parking. A minimum of ninety percent of parking exclusively for office and residential use must be in structures;
4. The applicant shall meet storm water management quantity requirements with a combination of surface and below-grade facilities (surface facilities to be wet ponds within the watershed, either on or off-site). Water quality facilities shall be provided using below-grade or surface facilities. The applicant shall add a note to indicate that recharge will be provided onsite;
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10. No development activity will begin until construction of Watkins Mill Road/I-270 interchange has commenced;
11. The area for Watkins Mill Road/Interstate 270 Interchange is reserved by Sketch Plan with dedication upon final design of Interchange;

12. Prior the signature of the Sketch Plan, the applicant shall provide a green space percentage for the combination of residential/office use; and
13. Final alignment of Professional Drive and connections shall be provided to fully integrate the site to adjacent land uses.

C. Evaluation and Findings

The City Council agrees with the findings, conclusions, and recommendations of approval 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 the City Council finds the application and development proposal of the sketch plan meets or accomplishes the purposes, objectives, and minimum standards and requirements of the zone of the MXD Zone that are set forth in Chapter 24, Article III, Division 19, of the City Zoning Ordinance.

The City Council finds, as indicated on Exhibit #16, the revised sketch plan amendment site plan, that the 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 24-196 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, such as Professional Drive and Watkins Mill Road; 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 City Council finds that the application and sketch plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned areas and adjacent areas. Although the site does not have a full range of uses, there is a full range proposed in the surrounding area. The proposed

development will provide employment and residential opportunities internally and for these surrounding properties. This will create an efficient use of land reducing reliance on the auto and preserving the natural environment. Design flexibility and coordination of architectural styles is greater in a mixed use context than in separate non-related development applications.

The application for sketch plan approval as currently amended fulfills the purposes and objectives of the MXD Zoning of this property. External compatibility is presented in terms of nature and intensity of use consistent with the adjacent publicly owned land and office, research and development and residential uses and transportation facilities.

The sketch plan is in accordance with the 1997 Land Use Plan of the Master Plan. The uses and densities proposed will promote signature buildings along the I-270 corridor upon completion of the Watkins Mill Interchange. The applicant's plan and subject amendment will provide the necessary right-of-way to the State Highway Administration to help expedite the construction of the Watkins Mill interchange. The Interchange will accommodate traffic generated from this site and promote improved traffic circulation in the area generally.

The sketch plan is in accord with the 2003 Land Use Element of the Master Plan, in that office density will support the current land use designation. The addition of residential density to this site can be justified by the site's close proximity to the future Casey East site development, which proposes residential multifamily buildings. Residential use will be compatible with the existing and proposed land uses of the surrounding properties.

The level of development reflected by the proposal for Z-306 can be accommodated adequately by existing and planned public facilities with the proper phasing and staging of the development. There is no evidence to indicate that public water, sewer, and transportation facilities could not adequately handle the needs of this development.

In conclusion, the City Council finds that Z-306, 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 purpose of the 1997 and 2003 Land Use Plans of 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-306

ORDINANCE

NOW, THEREFORE, BE IT ORDAINED by the City Council of Gaithersburg, that Application Z-306, being an application filed by the Humane Society of the United States, is hereby approved with the following conditions required of the applicant:

1. No development activity will begin until construction of Watkins Mill Road/I-270 interchange has commenced;
2. Applicant, its successors and assigns agree to dedicate to the Maryland State Highway Administration (SHA) for public use, at no cost to any governmental entity such land reasonably required for construction by SHA of the northeast quadrant of the Watkins Mill Road/I-270 intersection substantially consistent with this sketch plan. Dedication must occur by plat or deed irrespective of any implementation of this sketch plan or other development under the MXD Zone at such time as the Maryland State Highway Administration includes construction funding for the Watkins Mill Road/I-270 interchange in the Maryland Consolidated Transportation Plan or by September 1, 2027, whichever shall first occur. The Applicant by February 1, 2008 with express written consent of the City or as soon thereafter as possible, shall record this condition (or these conditions) as a Declaration and encumbrance on the property in the Land Records of Montgomery County and shall be binding on the Applicant, its successors and assigns. The agreement to dedicate evidenced by the Declaration shall be and become conditions of this sketch plan approval and any other land use or land development and permit approvals for this property. Failure to record the Declaration as provided above shall be grounds for revocation of this sketch plan approval. All subsequent plans, plats and permits approved by the City shall reference the existence of these conditions of approval by appropriate notation.
3. Development entitlement shall consist of 300,000 square feet of office in structures 6 to 12 stories in height;
4. In addition to the office density outlined in Condition #3 above, development entitlement shall consist of 250 to 300 multi-family residential units in structures 6 to 12 stories in height;
5. The applicant shall provide parking in a combination of above and below grade structures, plus surface parking. A minimum of ninety percent of parking exclusively for office and residential use must be in structures;
6. The applicant shall meet storm water management quantity requirements with a combination of surface and below-grade facilities (surface facilities to be

wet ponds within the watershed, either on or off-site). Water quality facilities shall be provided using below-grade or surface facilities. The applicant shall add a note to the sketch plan to indicate that water recharge will be provided onsite;

7. Improvements must be qualified for Leadership in Energy and Environmental Design (LEED) Certification;
8. A wildlife management plan shall be prepared and submitted for City approval at the time of Schematic Development Plan;
9. A preliminary traffic impact study was submitted as part of this application. A final traffic impact study, along with project phasing, must be submitted and approved by the City prior to approval of, Schematic Development Plan, with the study assuming the construction of the interchange;
10. A forest conservation plan must be submitted and approved at time of Schematic Development Plan. The applicant shall strive to maximize the provision of onsite forest conservation;
11. Professional Drive may be extended through the property with the final alignment to be determined at Schematic Development Plan. The Professional Drive right-of-way, as dedicated on Plat #13885, may be abandoned;
12. Prior to the signature of the Sketch Plan, the applicant shall provide to the City calculation of the green space percentage for the combination of residential/office use, reflecting the mixed-use percentage to be 33%.
13. Final alignment of Professional Drive and other connections shall be provided and subject to City approval to fully integrate the site to adjacent land uses.

ADOPTED by the Mayor and City Council of Gaithersburg, Maryland, on the 15th day of October, 2007.

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 15th day of October, 2007. This Ordinance will become effective on the 5th day of November, 2007.

David B. Humpton, City Manager