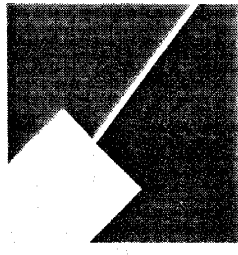


M-NCPPC



**MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING**

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

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**MCPB  
3/16/06  
Item#6**

March 10, 2006

**MEMORANDUM**

**TO:** Montgomery County Planning Board

**VIA:** John A. Carter, Chief, Community-Based Planning Division

**FROM:** Nancy Sturgeon, Planner Coordinator, 301-495-1308  
Callum Murray, Potomac Team Leader, 301-495-4733

**SUBJECT:** City of Gaithersburg Annexation Petition X-182 for the Crown Farm

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**STAFF RECOMMENDATION:** Approve transmittal of preliminary comments to the City of Gaithersburg's Mayor and City Council as part of the public hearing record

**SUMMARY OF ISSUES**

1. **Time Frame and lack of an Annexation Agreement.** Staff is concerned regarding the limited time frame for review of this annexation petition. For similar large-scale annexations such as the King Farm in Rockville, a draft annexation agreement was provided for Executive, Planning Board and County Council staff to review simultaneously over a period of 12 weeks.
2. **Substantially Different Zoning and Land Use.** The proposed zoning classification (the City of Gaithersburg's MXD – Mixed Use Development Zone) permits land uses that are substantially different from the County's zoning for the property as specified in the 1990 *Shady Grove Study Area Master Plan*.
3. **Compliance with Article 23A, Section 19 (a) (2) of the State Code, restricting the creation of enclaves.** The annexation does not meet the requirements of this section of the State Code and will create an unincorporated area bounded on all sides by property within the corporate limits of the municipality. (See below)

4. **Compliance with Article 23A, Section 19 (o) of the State Code, outline for the extension of services and public facilities.** In addition to land use information, this Section requires municipalities to provide a schedule for extension and general methods as to how municipal services would be financed. Staff does not believe this requirement has been fully met. The City Planning staff report does not provide adequate staging or financial information for all the services and public facilities required for development of this property. Staff believes a more detailed development phasing plan projecting the sequence of events is required, including a list of public facilities that will be needed to serve the development, facilities that will be provided by agencies outside the City, and a general schedule of when these facilities may be needed to be constructed and put in operation.
5. **Provide a role for Planning Board and County review and comment on an annexation agreement and any future amendments.** For major annexations, the Planning Board and County typically provide review and comment on annexation agreements. Given the size of this parcel, its location and the key role it may play in proposals and policies of mutual benefit to the City and County (including the Corridor Cities Transitway), staff believes that the Planning Board and County should review any future amendments to an annexation agreement.
6. **Corridor Cities Transitway facilitation, Master Plan roadways, and Transportation system adequacy.** Transportation Planning staff has substantive concerns in these three areas, explained in more detail in this memorandum.
7. **The school site on the concept sketch.** This is illustrated as 30 acres, and contains 7.5 acres of forest, of which 6.5 acres is in the stream buffer, reducing the usable area to approximately 22.5 acres. Staff believes that the school site should be re-evaluated, if a full-size high school is proposed.

#### **PRELIMINARY RECOMMENDATIONS**

1. The County Council must review this annexation petition prior to final action by the City since the MXD Zone permits uses that are substantially different from the County's zoning for this property. To meet the requirements of Section 23-A of the Annotated Code of Maryland, the County Council must take specific action to approve the zoning change as proposed.
2. Staff recommends that a future Annexation Agreement be reviewed by the Planning Board and contain a provision mandating acquisition and use of TDRs, and the provision of MPDUs.
3. In accordance with Montgomery County Forest Conservation law and regulations, at least 15 percent of the site should be forested. Since only 7.5 acres of the site is currently in forest, all this area should be protected and an additional 19.2 acres be planted according to forest specifications.
4. All environmental buffers and forest conservation areas should be protected by perpetual conservation easements.

5. Any development on this site should comply with county stormwater management requirements and avoid further stress on this subwatershed. Waivers should not be requested or granted, because the downstream effects would be a burden on the Muddy Branch in Montgomery County.
6. Noise mitigation should be required to address noise impacts based on ultimate traffic conditions from Sam Eig Highway and Fields Road/Omega Drive.
7. Green or high performance buildings, and protection of natural resources should be integrated into all uses within this mixed-use development and expanded upon to create a green community.
8. A local park with a minimum of two large rectangular fields, related parking and a playground should be provided on-site.
9. The City of Gaithersburg should include historic preservation provisions for the England-Crown Farm in the annexation agreement. These provisions should include:
  - A historic and architectural analysis of the England-Crown Farm complex with a detailed statement of historic significance and definition of the period of significance. The analysis should include a detailed description of each of the buildings on the parcel (P833), a history of construction, and a categorization of their historic value (outstanding, contributing, non-contributing). In addition, the analysis should include significant landscape features and vista.
  - Developer agreement to renovate or restore the residential and agricultural buildings in conjunction with the use proposal. An example of such an agreement was the Waters House in the Milestone subdivision in which the historic house and farm outbuildings were renovated or stabilized by the developer.
  - Identify a compatible use for the historic buildings. Determine owner/occupant and funding source for determined use.
  - Provide adequate environmental setting for historic context and for adaptive use.
  - Orient roads and new construction to provide respect for historic buildings and their setting.
10. Any future annexation agreement should contain language to ensure continuity of payment for Metropolitan (Park) taxes after annexation.

## **LOCATION AND BACKGROUND**

Annexation Petition X-182 has been submitted to the City of Gaithersburg for the Crown Farm, located east of Sam Eig Highway, south of Fields Road, west of Omega Drive, and north of the current terminus points of Diamondback Drive and Decoverly Drive. (See Attachment 1.) The Crown Farm is included in the area covered by the 1990 *Shady Grove Study Area Master Plan*, which is being updated. The annexation petition includes six parcels of land that comprise the 182.8-acre Crown Farm as well as portions of the right-of-way of Sam Eig Highway, Fields Road, and Research Boulevard that abut the property and are not currently within the municipal limits of the City of Gaithersburg. (Alternative information from the applicant's project engineer indicates the acreage as approximately 177.9.)

In 2004, the same petitioner who has submitted the subject application (X-182) filed an annexation petition (X-181) with the City of Gaithersburg for a smaller portion of the Crown Farm located west of Sam Eig Highway and divided by Diamondback Drive. The annexation was approved in 2005 for 16.2 acres in the City's RP-T Zone (Medium-Density Residential) and the property is proposed for townhouse development.

## **SURROUNDING AREA**

The Crown Farm is one of the last large tracts of undeveloped land in the mid-County area. The property was owned and farmed by either the England or Crown families for over 100 years. Intensive development surrounds the Crown Farm. (See Attachment 2.) To the east, across Omega Drive, is the Shady Grove Executive Center office park. To the south is the Decoverly office park and the Decoverly residential developments, which include apartments and townhouses. To the west, across Sam Eig Highway, are two parcels that were annexed into the City of Gaithersburg in 2005 (X-181) and are planned for 68 townhouses.

North of Fields Road and south of Washingtonian Boulevard are townhouse and apartment communities within the County's jurisdiction, including the high-rise Washingtonian Tower, Oakwood Apartments, Courtyards at Rio, and Avalon Fields Apartments. North of Washingtonian Boulevard and adjacent to I-270 is the Washingtonian/Rio Center, a mixed-use development in the City of Gaithersburg that includes retail, offices, and hotels clustered around an 18-acre man-made lake.

## **ANNEXATION SCHEDULE AND DEVELOPMENT PROPOSAL**

In September 2005, the developer sponsored a three-day charrette to discuss ideas for the property and encourage participation from interested citizens. On October 10, 2005, the developer presented the results of the charrette to the City Council and City Planning Commission. On November 14, 2005, Crown Village Farm, LLC, the owner of the property, formally submitted an annexation petition to the City of Gaithersburg for the 182.8-acre Crown Farm.

On January 12, 2006, City of Gaithersburg Mayor Sidney A. Katz sent a letter notifying Planning Board Chairman Derick Berlage of the annexation petition. The City introduced a resolution for the annexation petition, which it designated X-182, on December 19, 2005. The City held a joint public hearing before the City Council and the City Planning Commission on February 6, 2006 and a joint worksession on February 27, 2006. Additional worksessions with the City's Council and Commission will be scheduled. The City is keeping their public record open indefinitely to receive citizen comments on the annexation. On March 6, 2006, the City's Staff Analysis and Preliminary Recommendations were provided to the M-NCPPC in preparation for the March 16, 2006 Montgomery County Planning Board consideration of the annexation petition. (See Attachment 2A.) The applicant has requested that the annexation petition be approved by mid-April.

The applicant's vision for the development, as described in their presentation to the City on February 6, 2006, is a sustainable, pedestrian-oriented urban community with distinct yet unified neighborhoods. Other development and design features articulated by the applicant include a choice of housing types, a town center that serves the community, and a variety of interconnected streets and open spaces that promote walking, biking, and transit use.

The applicant has requested a range of 1,975 to 2,550 residential dwelling units and 260,000 to 370,000 square feet of commercial space. (See Attachment 3.) Building heights of 5, 10, and 20 stories are proposed. The applicant is dedicating 30 acres on the eastern side of the property, along Omega Drive, for a public high school. The applicant has described the future high school as a valued regional and local resource that will be well integrated with the community yet buffered to protect adjacent residents from noise and light pollution. The applicant is requesting that the entire site be placed in the City's MXD (Mixed Use Development) Zone.

## **MAXIMUM EXPANSION LIMITS**

Maximum Expansion Limits (MELs) establish geographic boundaries for potential future annexation of County land into a municipality to allow for growth of a City. An MEL map typically shows areas adjacent to the municipality that may be annexed into the City. State law prohibits annexation of land that is not contiguous and adjoining to the existing municipality. MELs are useful planning tools to forecast logical growth areas for a City, to determine future service needs and responsibilities between the County and the municipality.

The 1997 City of Gaithersburg Master Plan included a discussion of MELs and a map showing potential expansion areas for the City. (See Attachment 4.) The Crown Farm was not shown on the MEL map as a potential annexation area. The City's most recent long-range plan, the 2003 *Land Use Element of the Master Plan*, does not address Maximum Expansion Limits and does not include a map. The Crown Farm is listed as a Special Study Area to be examined in the future.

## **GAITHERSBURG PLANNING COMMISSION COMMENTS AND PRELIMINARY CITY STAFF RECOMMENDATION**

At the City's first worksession on February 27, 2006, the City Council and City Planning Commission discussed the annexation and provided the following comments:

- Overall residential density should not exceed the density permitted under the County's existing Master Plan;
- Clubhouse and Homeowner's Association (HOA) facilities must be better integrated into the community and additional green space provided;
- Significant affordable housing must be included;
- Five acres of land should be dedicated to the City as parkland;
- Proposed changes to the Corridor Cities Transitway (CCT) alignment and proposed changes to the location of the transit station are appropriate; and
- Majority of multi-family dwellings should be located over the retail components of the mixed-use center (at Fields Road and Sam Eig Highway) and near the transit station.

The City of Gaithersburg has not made a formal decision on the annexation petition. City staff prepared a preliminary analysis and will provide additional comments upon the completion of the worksessions and the closing of the public record. According to their preliminary report, City staff support the petition and the proposed MXD zoning because annexation of the Crown Farm:

- Compliments the Washingtonian and Rio centers, is contiguous to the City, and follows existing roads.
- Fulfills the City's goal to promote annexation for logically situated parcels that create a concise and reasonable municipal boundary.
- Responds more effectively and responsively to community concerns related to phasing and infrastructure.
- Benefits the surrounding properties.

M-NCPPC staff are not in complete agreement that the Crown Farm annexation will achieve all of the items listed above. The City's 1997 Master Plan states that it "envisioned changing the existing maximum expansion limits, with the proposed boundary changes to basically follow existing roads instead of following or traversing private properties, and reflect a more bilateral approach to this issue." The City's intended goal of creating logical, clear, and identifiable boundaries may be difficult to achieve due to the piecemeal nature of annexations. If the subject parcel is annexed into the City, a concise and reasonable municipal boundary will not necessarily be formed. Private property lines, not existing roads, will become the new City/County boundary along the south side of the Crown Farm property. And, contrary to State law, an enclave of land in the County's jurisdiction that is completely surrounded by the City will be created as a result of the proposed annexation. (See discussion below under "Annotated Code of Maryland").

## COMMUNITY CONCERNS

Annexation Petition X-182 was the subject of a public hearing before the City Council and City Planning Commission on February 6, 2006. Citizens raised concerns about overcrowding of schools, traffic congestion, and the adequacy of public facilities and infrastructure. Residents who live near the proposed development expressed concern about the ability of the City's fire and police forces to respond. Others raised the issue of phasing and stated that infrastructure improvements should be in place before development begins. One citizen expressed concern that the City has not increased its parkland in recent years and questioned whether the proposed development provided adequate open space. Others urged the City to carefully consider the traffic studies and cautioned that the Corridor Cities Transitway will not be built in the near future and traffic will be a big problem. Some citizens raised the issue of density and whether the developer was proposing more development than the county Master Plan recommended. Others were concerned about the proposed height of buildings.

## COUNTY MASTER PLAN AND ZONING

The subject property is located in the area of the County covered by the 1990 *Shady Grove Study Area Master Plan*, which is being updated. The western portion of the property is zoned R-60/TDR (with an optional density of eight units per acre recommended in the Master Plan) and the eastern portion of the property is zoned R-200/PD. (See Attachment 5.) The Master Plan anticipated that, at the time of development, the PD Zone (Planned Development; a floating zone) would be applied for and the Plan recommended a medium high density of 20 to 25 units per acre. Higher density was recommended for the eastern portion of the property because two CCT transit stops were proposed in that area.

The Master Plan made specific recommendations for the Crown Farm, including a diversity of housing types (with a total of 2,000 dwelling units), small scale retail uses (50,000 square feet), a ten-acre local park, and an elementary school. (See Attachments 6 and 7.) The historic England Crown Farm is on the County *Master Plan for Historic Preservation*, and the 1990 Plan recommended adaptive reuse of the property as a community resource and focal point. The Master Plan also provided development guidelines, including an interconnected system of streets, a diversity of housing types, street-oriented buildings, and a mix of active and passive open space areas.

In revisiting the Crown Farm recommendations, staff recognized that the amount of retail in the 1990 Plan (50,000 square feet) was too low. Since many of today's grocery stores are 60,000 square feet, a neighborhood shopping center with a grocery store anchor is generally 120,000 – 150,000 square feet. In preparation for the Master Plan update, staff would have recommended an increase in the amount of retail square footage, but would have emphasized that the Crown Farm retail center should be neighborhood oriented rather than a regional destination. (See Attachment 8, an evaluation of retail potential at the Crown Farm.) The updated County Plan would have continued to recommend housing as the primary land use for the Crown Farm and would have added a recommendation for a 30-acre public high school.

## Public Schools

In preparation for the Master Plan update, planning staff had begun analyzing the Crown Farm and revisiting the recommendations in the 1990 Plan. One of the most important changes from the 1990 Plan is the need for a new public high school in the mid-County area. There are six high school clusters in the mid-County and most are operating at or above capacity and enrollments are expected to increase. Planning staff worked with Montgomery County Public Schools (MCPS) to identify potential sites for a new, 30-acre high school and had determined that the Crown Farm was an ideal location. When the Crown Farm was purchased by the new owner/developer, who was interested in annexation, discussions continued with the City of Gaithersburg and MCPS regarding a high school on the property. The owner has agreed to dedicate land on the site for the high school, which is recognized as a significant public benefit. Typically, MCPS requires 30 usable acres for a high school.

MCPS staff estimate that build-out of the Crown Farm with 2,200 residential units would generate approximately 285 elementary school students, 100 middle school students, and 150 high school students. At the middle school level there is some capacity available in existing schools to absorb additional development. In addition, a middle school site has been dedicated in the King Farm development. At the elementary school level, MCPS now has two dedicated sites in the area of the Crown Farm, including one in the King Farm development and one in the Fallsgrove development, both of which are in the City of Rockville. In addition, an elementary school site has been identified in the 2006 *Shady Grove Sector Plan*, which should be sufficient for the build-out of the Sector Plan area.

## Local Parks

The primary park and open space concern with this proposed annexation is the need for active recreation in the area. The 1990 *Shady Grove Study Area Master Plan* proposed a new, public local park on the Crown Farm, Fields Road Local Park. This is the only park that is proposed to serve the South Gaithersburg and Northern Travilah area residents, and there appear to be no other suitable locations for such a facility.

The recently approved 2005 *Land Preservation, Parks, and Recreation Plan* estimates that by the year 2020 the I-270 Corridor will need 19 more standard rectangular soccer/lacrosse fields, ten more small rectangular fields for younger children, and three more baseball fields. In addition, six additional public playgrounds are estimated to be needed in the Gaithersburg Planning Area alone. These needs are for County residents outside of the City of Gaithersburg and do not include Gaithersburg City residents. The proposed Fields Road Local Park was intended to provide a portion of these County recreation needs. The potential developer of the Crown Farm has offered to dedicate a 30-acre high school site. Facilities at high schools are usually so heavily used by students that they are unavailable for use by the community.