



Fairchild Apartments, Site Plan Amendment No. 82018022B



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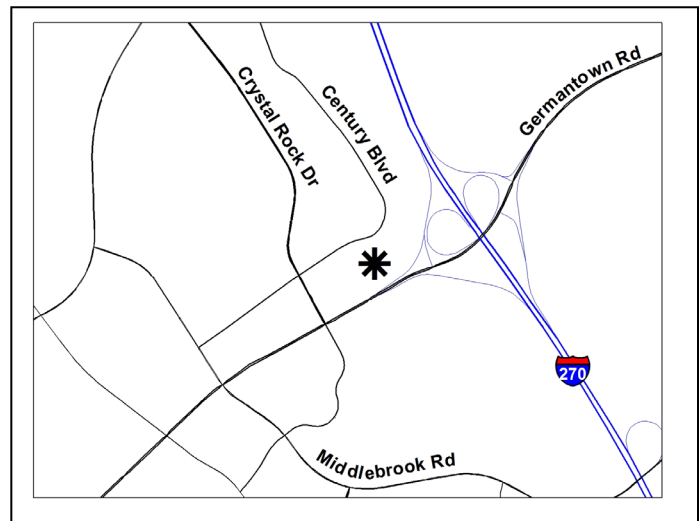
Description

Fairchild Apartments, Site Plan Amendment No.

82018022B: Request to modify setbacks for a multi-family residential building to account for a minor subdivision application (under review) and to adjust the outdoor grill locations; located on the south side of Century Blvd., approximately 150 ft. east of the intersection with Aircraft Dr.; 5.49 acres; CR 2,0, C-1.5, R-1.5, H-145T and Germantown Transit Mixed Use Overlay Zone; Germantown Employment Area Sector Plan area.

Staff Recommendation: Approval

Applicant: GTTCE Apartments, LLC
Submittal Date: September 30, 2020
Review Basis: Chapter 59



Summary

- The staff recommends approval.
- The Amendment requests to modify setbacks for the multi-family residential building to account for Minor Subdivision No. 220210090, which is currently under review, and to create an ownership lot for the multi-family building.
- The Amendment requests to adjust the outdoor grill locations in the courtyard to address applicable building and fire safety code requirements.
- The Application does not alter the intent or overall design of the site plan.
- Staff received no community correspondence on this Application.

RECOMMENDATION: The proposed development must comply with the conditions of approval for Site Plan 820180220 and Site Plan No. 82018022A as enumerated in the Planning Board Resolution No. 18-136 dated January 8, 2019 (Attachment 3) and the Planning Board Resolution No. 20-079 dated August 17, 2020, respectively, except as modified herein.

SECTION 1 - SITE DESCRIPTION

Vicinity

Fairchild Apartment Property

The subject site for the Fairchild Apartments Site Plan is located on the south side of Century Boulevard and the north side of Germantown Road (MD 118), approximately 150 feet east of the intersection with Aircraft Drive. The site is 5.49 acres in size and is identified as Parcel V on Plat No. 22590 ("Fairchild Property"). The Property is located on the eastern edge of the Germantown Town Center, and is within the 2009 Germantown Employment Area Sector Plan ("Sector Plan"). The current zoning of the Property is CR 2.0, C-1.5 R-1.5 H-145T, and is also located within the Germantown Transit Mixed Use Overlay Zone.

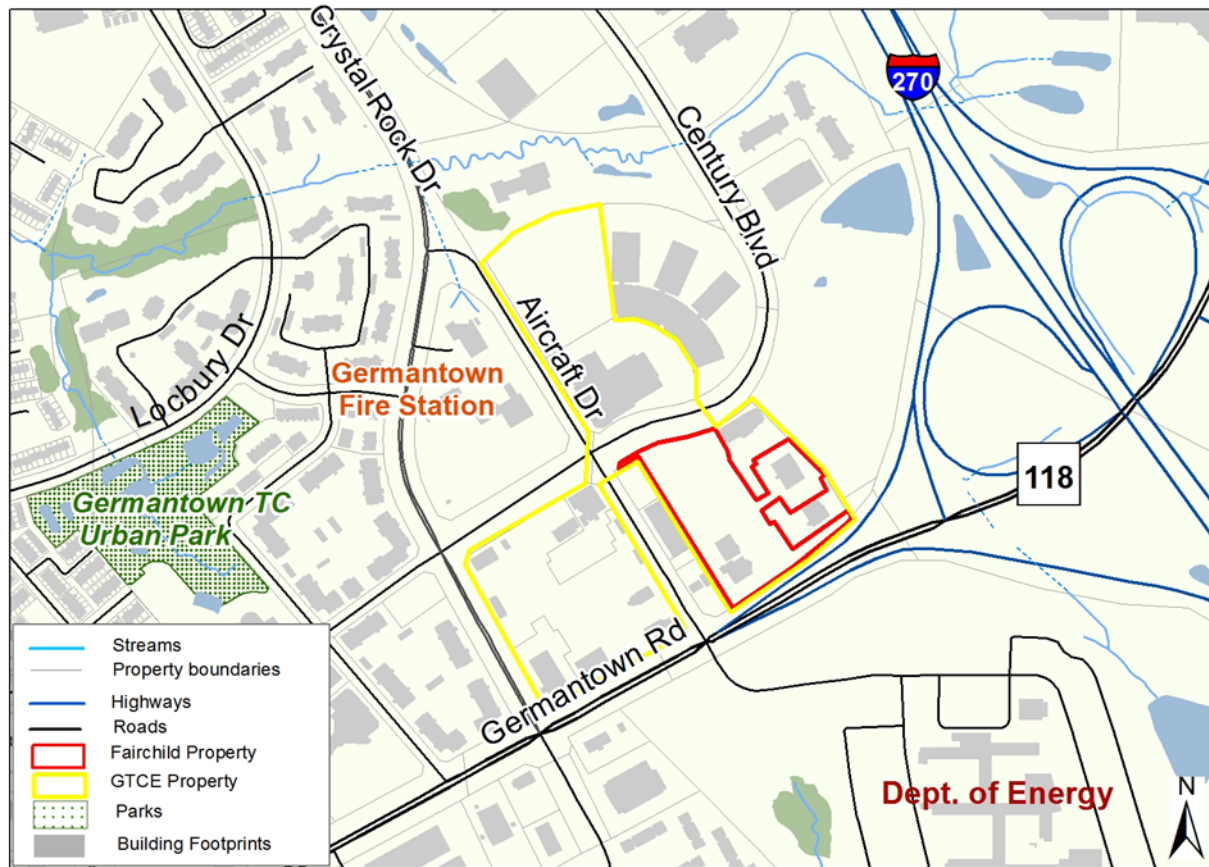


Figure 1 - Vicinity Map

Both the Fairchild Property and the GTCE Property are part of the larger Germantown Town Center area, which is comprised of a mix of mostly commercial, office, retail, hotel and entertainment venues immediately along Century Boulevard, with multi-family and one-family attached dwelling communities

one block off Century Boulevard. Within the same block of the Fairchild Property is a hotel and other restaurant uses that are not part of the Fairchild Site Plan but are part of the GTTCE Site Plan Amendment. Directly opposite Century Boulevard from the Fairchild Property is the Regal Cinemas, to the northeast is the Top Golf venue, to the south across MD 118 is the US Department of Energy campus, and to the west is the core of the Germantown Town Center, and areas of residential multi-family development. Adjacent to the GTTCE Property include existing multi-family housing, the Germantown Fire Station and existing office uses. The zoning within the Town Center area is all CR, with FAR limits ranging from 0.5 to 2.0, and heights between 60 and 180 feet, depending on the block. Also, within the Town Center are the Germantown Library and the Black Rock Center for the Performing Arts, and the Germantown Town Center Urban Park.

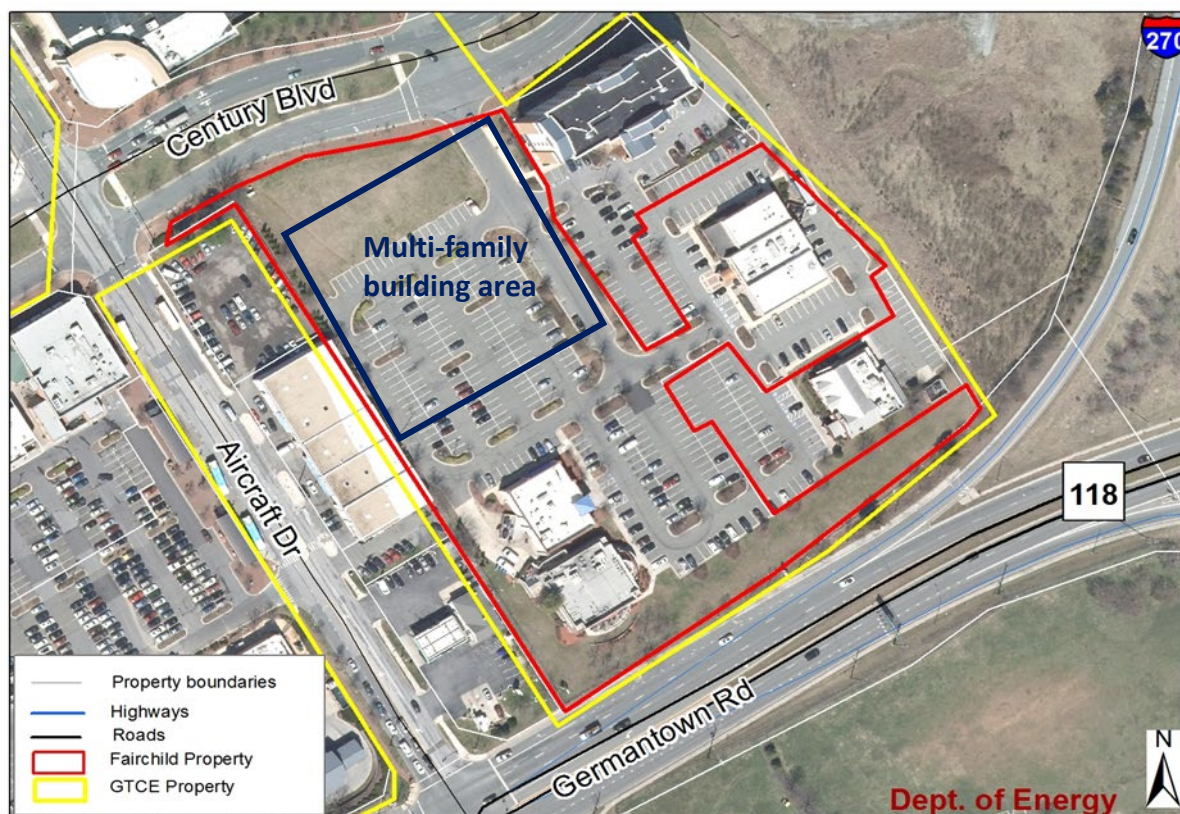


Figure 2 – Aerial Map Fairchild Property

Site Analysis

The subject site is currently improved per Site Plan 820180220. There are no known rare, threatened, or endangered species on site. There are no known historic properties or features on site.

Site Analysis Fairchild Property

Currently, the Fairchild Property is comprised of Parcel V, on Block U, V, W, and is mostly developed with one-story pad-site restaurant uses (IHOP, Red Robin, Señor Tequilas), surface parking lots, and one cleared and graded grass 'pad' that has yet to be developed. Parcel V shares the block with two other recorded parcels which are part of the GTTCE Property, including Parcel W with a Fairfield Marriot Hotel, and Parcel U with a Lonestar Steakhouse restaurant. The entire block is developed as one interconnected network of pedestrian and vehicle circulation and parking, including shared use and

access agreements. There is currently one direct point of access to Century Boulevard centered on the block, and there is a second shared access location on the Top Golf site located east of the hotel. Other than trees and grass in parking lot islands, there is little existing vegetation and no identifiable environmental resources on the Fairchild Property.

SECTION 2 - AMENDMENT DESCRIPTION

Previous Approvals

Preliminary Plan No. 119783190

Preliminary Plan No. 119783190, 270 Executive Park, was approved on January 11, 1979, to create 11 lots and the initial right-of-way to allow for the construction of Century Boulevard. The total project size was approximately 40 acres, and allowed for up to 538,000 square feet of office space. This Preliminary Plan led to subsequent plats, including Plat No. 13750, which first recorded Parcels E and F. Together, these two parcels were approximately the same size as block as Parcels U, V, and W.

Local Map Amendment G-742 – Germantown Town Center East

Local Map Amendment (“LMA”) No. G-742 rezoned approximately 24 acres of land to the Town Sector Zone including the Subject Property. This was the last section of Germantown to come into the Town Sector Zone, and was approved as 100% commercial retail development in phase one, with the option to add residential uses to a portion of the project area in phase two.

Site Plan No. 819990010 (as amended)

Site Plan No. 819990010 was first approved by Opinion dated March 15, 1999 for up to 181,900 square feet of commercial uses and 98,559 square feet of hotel use on 24.74 acres. This site plan implemented LMA G-742’s Town Sector Zone and conditions. The site plan covers three mega-blocks centered around the intersection of Century Boulevard and Aircraft Drive. As part of this Site Plan, the applicant was required to substantially reconstruct Century Boulevard from a four-lane undivided roadway into a four-lane divided highway with a 50-foot wide median capable of accommodating the future Corridor Cities Transitway (“CCT”). Several plats have been recorded creating lots and parcels as a result of this site plan, including the Fairchild Property Parcel V.

The following table 1 summarizes the A – F amendments to Site Plan 819990010. Many of these amendments are administrative and only apply to portions of the GTTCE Property.

Table 1 – Previous History

Amendment Number	Approval Type and Date	Description
81999001A – Fairfield Marriott	Admin approval, April 10, 2003	Design changes for Fairfield Marriott
81999001B – Baileys Pub	Admin approval, December 12, 2004	Design changes specific to the restaurant user

Amendment Number	Approval Type and Date	Description
81999001C - IHOP	Admin approval, December 1, 2005	Modification for a 5,500 sq ft IHOP
81999001D – Commerce Bank	MCPB No. 06-012, November 13, 2006	Change building from 2 story – 10,100 sq ft to 1 story 4,100 sq ft bank building
81999001E – Commerce Bank	MCPB No. 07-28, April 5, 2007	Increase building from 4,100 sq ft to 5,100 sq ft.
81999001F – Panera	MCPB No. 11-67, August 9, 2011	Approve a 5,097 sq ft. Panera
81999001G – Chick Fil A	MCPB No. 16-045, April 26, 2016	Add 344 sq ft. of kitchen area and supplement landscaping along the drive-through aisle

APF at Building Permit

On April 27, 2000, the Planning Board held a hearing to transmit comments to the Department of Permitting Services recommending approval of an adequate public facility (“APF”) review at the time of building permit for the Germantown Town Center (Site Plan No. 819990010). The APF was for 127,026 square feet of restaurant uses, 67,880 square feet of movie theater and an 89-room hotel. The approval of the APF was conditioned on making transportation improvements including finishing Century Boulevard between Aircraft Drive and Crystal Rock Drive, widening Aircraft Drive between Century Boulevard and Crystal Rock Drive, and participating in intersection reconstruction at Crystal Rock Drive and Father Hurley Boulevard. The APF approval was originally valid for 12 years, and has been extended as part of the County Council automatic APF extensions an additional eight years, extending validity to April 27, 2020.

Sketch Plan No. 320180130

Sketch Plan No. 320180130 was approved by Resolution No. 18-078 dated July 31, 2018, to allow up to 206,102 square feet of new construction including up to 206,102 square feet of residential uses and up to 5,900 square feet of commercial use, and to retain up to 29,915 square feet of commercial use on the 5.49 acre Parcel V Fairchild Property. The Sketch Plan set the general massing and location of the new building, the general location of the Public Open Spaces and the Public Benefit Point categories for achieving optional method incentive density, to be refined with future site plans.

Site Plan No. 820180220

Site Plan No. 820180220 approved by Planning Board Resolution date January 8, 2019 for one new 201,720 square foot residential building, and the retention of 20,933 square feet of existing commercial uses in three structures on the 5.49-acre Fairchild Property.

Site Plan No. 82018022A

Site Plan Amendment No. 82018022A approved by Planning Board Resolution dated August 17, 2020 for a 2-year extension to the validity period for the finding for Adequate Public Facilities for the Site Plan,

which approved one 201,720 square foot residential building with up to 212 dwelling units and 20,933 sq. ft. of existing commercial space.

Applications Currently Under Review

Minor Subdivision No. 220210090

Minor Subdivision No. 220210090 creates a separate lot specifically for the multi-family residential building and leaves the rest of the property as a separate lot for the commercial land use on the remaining portion of the Property.

Description of Amendment

The Applicant requests the following modifications to the Site Plan:

- a. Adjust eastern side setback and south eastern setback for the multi-family residential building from 50 feet to 10 feet for the side sideback, and 390 feet to 40 feet for the rear setback. The adjustment is to account for a minor subdivision application to create a separate lot for the multi-family residential building.
- b. Minor revisions to the approved layout of certain outdoor grills in the interior courtyard to provide greater separation from the building to address applicable building and fire safety code requirements.

SECTION 3: ANALYSIS AND FINDINGS - SITE PLAN 82018022B

All prior site plan findings remain in full force and effect except as modified below:

2. To approve a site plan, the Planning Board must find that the proposed development:
 - d. satisfies applicable use standards, development standards, and general requirements under this Chapter;

Division 4.5. Commercial/Residential Zones

Use and Development Standards

The Fairchild Property is a 6.14 gross tract area and will be 5.49 net acres in size after right-of-way dedication. The tract is zoned CR 2.0, C-1.5 R-1.5 H-145T and is located within the Germantown Transit Mixed Use Overlay Zone. There are no specific use standards for the proposed uses in the CR zone.

This Amendment modifies the approved setbacks to account for Minor Subdivision No. 220210090. This minor subdivision creates new property boundaries around this building. As a result, the setbacks approved in Site Plan 820180220 must be adjusted to account for these revised property boundaries. Setbacks in the CR zone are determined at the time of site plan and are acceptable in the context of the Application. Table 1 contains the Development Standards from Section 59.4.5 under Optional Method of Development which is focused on the changes to the setbacks in this Amendment. All other development standards which are unchanged by this Amendment remain in full force and effect.

TABLE 1 - Section 4.5 Zoning Data Table: CR 2.0, C-1.5 R-1.5 H-145T			
Development Standard	Required/Allowed	Approved with Site Plan No. 820180220	Proposed
Placement			
<i>Residential Multi-family Building</i>			
Front Setback Century Blvd	Determined By Site Plan	11 ft. min., 13 ft avg.	11 ft. min.
Side Setback, western boundary	Determined By Site Plan	10 ft. min.	10 ft. min.
Side setback, eastern boundary	Determined By Site Plan	50 ft. min.	10 ft. min.
Rear setback	Determined By Site Plan	390 ft. min	40 ft. min.

Division 6 – General Development Standards

- iii. Division 6.3. Open Space and Recreation

This Site Plan Amendment does not alter the amount or quality of the open space and recreation amenities approved. It only modifies the outdoor grill locations within the courtyard area to address fire separation requirements identified by the Montgomery County Department of Permitting Services. The Amendment still meets the requirements of the 2017 Recreation Guidelines.

e. *satisfies the applicable requirements of:*

ii. Chapter 22A, Forest Conservation

The approved Forest Conservation Plan Exemption No. 4018017E (Attachment 2) remains valid and in effect. This Amendment proposes no changes which are subject to Chapter 22A. The Application is still in compliance with the Environmental Guidelines and all applicable requirements of Chapter 22A of the Montgomery County Forest Conservation Law.

f. *provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;*

iii. Open space, and site amenities

The Site Plan continues to provide for safe and well-integrated open spaces and site amenities. The Site Plan Amendment changes the location of the outdoor grills within the courtyard area to address applicable building and fire safety code requirements. This finding remains valid.

SECTION 4 - PUBLIC NOTICE

A notice regarding the subject amendment was sent to all parties of record by the Applicant on October 2, 2020. The notice gave interested parties 15 days to review and comment on the amended site plan per Montgomery County Zoning Ordinance Section 59.7.3.4.J.2. Staff received no inquiries regarding the proposed Amendment.

SECTION 5 - CONCLUSION

The proposed modifications to the site plan do not alter the overall character or impact of the development with respect to the original findings of approval. Further, these modifications will not affect the compatibility of the development with respect to the surrounding neighborhood. Staff recommends approval of Site Plan Amendment 82018022B.

ATTACHMENTS

Attachment 1 – State of Justification

Attachment 2 – Forest Conservation Exemption

Attachment 3 – Planning Board Resolution No. 18-136 dated January 8, 2019