

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

June 18, 2007

CALL TO PODIUM:

Rob Robinson, Planner

RESPONSIBLE STAFF:

Rob Robinson, Planner

Lauren Pruss, Planning Director

Greg Ossont, Director Planning and Code Administration

AGENDA ITEM:

(please check one)

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

PUBLIC HEARING HISTORY:

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

Introduced	
Hearing Date	1/16/2007
Record Held Open	
Joint Work Session	2/12/2007

TITLE: ANNOUNCE RECORD CLOSINGS

Staff recommendation to close the records on schematic development plan application SDP-06-004 and rezoning application Z-304, Fairfield at West Deer Park

SUPPORTING BACKGROUND:

These applications are requesting the rezoning to the CD (Corridor Development) Zone and schematic development plan approval for 334 multiple-family units, 53 townhouses, and 28 "2 over 2" condos with associated infrastructure improvements. This is a redevelopment project of the Broadstone apartments, located at the corner of West Deer Park and MD 355, S. Frederick Avenue.

On January 16, 2007, the Mayor & City Council and the Planning Commission held a concurrent Joint Public Hearing on applications SDP-06-004 and Z-304. On February 12, 2007 a Joint Work Session was held wherein Staff and the Applicant briefed the Mayor & City Council and the Planning Commission on the progress of the plan.

Since the Joint Work Session, staff has continued working with the applicant and has received favorable responses from both the State Highway Administration and the Maryland Department of the Environment on technical aspects of the plan. A summation of the work done following the Joint Work Session has been submitted by the applicant and attached, as has a letter to the Council addressing livability issues raised during the work session.

On June 14, 2007 the Planning Commission record closed and the Commission's recommendation to the Mayor & City Council is scheduled for June 20, 2007. Accordingly, staff believes that applications Z-304 and SDP-06-004 are at a sufficient stage for the Council's records to be closed.

Attachments:

Letter from Mr. Jody Kline to Director Ossont, dated June 11, 2007
 Letter from Mr. Jody Kline to Mayor Katz and the City Council, dated June 11, 2007

DESIRED OUTCOME:

Staff recommends that the Mayor and City Council vote to close their respective records on Z-304 and SDP-06-004 as of 5:00 PM on Thursday June 28 2007, with final action anticipated as soon as July 9, 2007.

LAW OFFICES

MILLER, MILLER & CANBY

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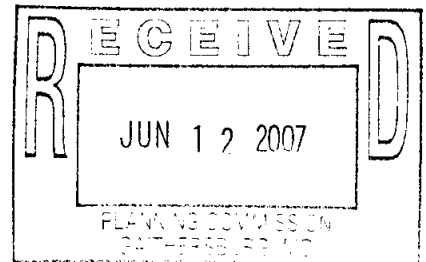
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ROBERT E. GOUGH
DONNA E. MCBRIDE
GLENN M. ANDERSON*
MICHAEL G. CAMPBELL
SOO LEE-CHO

**Licensed in Maryland and Florida*

June 11, 2007

Mr. Greg Ossont, Director
Planning and Code Enforcement
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, MD 20877



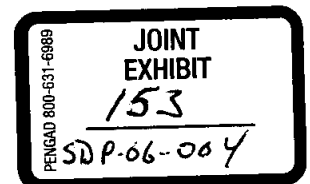
RE: Schematic Development Plan Application No. 06004
Zoning Application of Fairfield Broadstone LP
"Fairfield at West Deer Park"

Dear Mr. Ossont:

This letter is to confirm that a package of materials was delivered to City Hall Friday, May 18th, addressing many of the concerns and issues that Staff has been discussing with the Applicant over the past few months since the joint public hearing conducted on January 16, 2007 and a joint worksession held on February 12, 2007. We know that it has been an extended period of time since the joint public hearing and subsequent worksession and the Applicant wishes this letter to serve as an overview of its efforts since the public hearing related to several of the major categories that were the subject of discussion at the public hearing:

1. Tenant Relations.

Representatives of the landlord have met with tenants and remain available to answer any tenants' inquiries. We are aware that representatives of the City have separately met with residents as well. Tenants have been advised that specific information about relocation activities (e.g., timing, benefits, responsibilities) will be provided as soon as a firm schedule for completion of the Applicant's land use approvals can be reliably predicted.



2. Site Access.

The State Highway Administration has responded to the Applicant's submission and has provided preliminary approval of a new driveway entrance on Frederick Avenue at the existing median crossover north of West Deer Park Road. The plans submitted on May 18th show an entrance configuration on Maryland Route 355 allowing only a right-in/right-out movement from the southbound lane of Route 355 and a left in only movement from the northbound lane. (The design of the entrance driveway will prohibit cars from exiting and trying to turn left to proceed north on Route 355 by use of a channelization device – "porkchop".)

3. Utility Service Letters.

The Applicant has coordinated with all utilities and has received approval letters from all utilities and public services except for Comcast.

4. Greenspace Along Route 355.

The plans submitted to your office on Friday show a revised cross section of improvements along the West Deer Park frontage. The street frontage west of the driveway to the multi-family building will now have a green strip (5' wide) between the curb and the sidewalk, the same as the section east of the first driveway extending to Route 355. This change will give the project a uniform appearance along the West Deer Park frontage and will provide more green space and more separation between the street and the pedestrian area.

5. Maryland Department of the Environment Analysis and Approval.

The primary reason amended application materials have not been previously submitted to your office is due to the fact that the Maryland Department of the Environment, after multiple submissions, had not yet completed its review of the Applicant's submission for the "dam breach analysis". That review was completed the week of May 28th and a letter containing MDE's critique and findings of the VIKA prepared dam breach analysis was issued on June 4, 2007. That letter removed the most significant road block to continued processing of the Applicant's plans.

Under separate cover, I will be submitting information and materials on behalf of the Applicant relating to the proximity of dwelling units to improved public streets and how livability in relation to first floor units will be assured for the proposed project.

Thank you for your attention to these comments on behalf of the Applicant. The Applicant appreciates the City's patience and understanding that the delays in responding to the City's comments expressed at the joint public hearing are due to delays in receiving comments in a timely fashion from the State Highway Administration and from the Maryland Department of the Environment.

Thank you for your consideration of these comments.

Sincerely yours,

MILLER, MILLER & CANBY

A handwritten signature in black ink that reads "JODY KLINE". The signature is written in a bold, slightly slanted, sans-serif style. The "J" is particularly large and has a thick, dark stroke. The "Y" is also prominent. The "K" and "L" are connected, and the "I" and "N" are simple vertical strokes. The "E" is a simple horizontal stroke with a small tail.

Jody S. Kline

JSK/dlt

cc: Fred Felton
Lauren Pruss
Rob Robinson
Mark Coletta
Jay Johnson
Bill Landfair
Ian Duke
Mike Goodman
Mike Workosky

LAW OFFICES

MILLER, MILLER & CANBY

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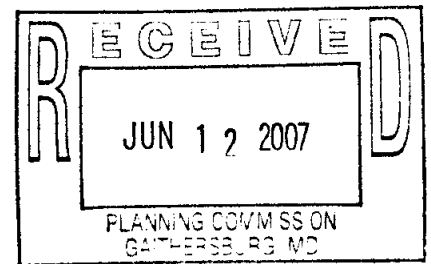
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**Licensed in Maryland and Florida*

June 11, 2007

Gaithersburg City Council
Gaithersburg City Hall
31 South Summit Avenue
Gaithersburg, MD 20877

RE: Schematic Development Plan Amendment No. 06004
Zoning Application Case No. Z-304 (Tentative)
"Fairfield at West Deer Park"

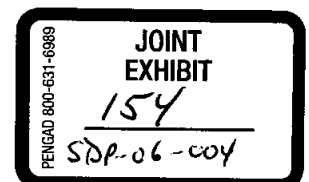


Dear Mayor Katz and Members of the City Council:

At the joint worksession conducted on February 12, 2007, a question was asked of the Applicant about the "livability" of ground floor units located closest to the corner of Route 355 and West Deer Park Avenue, the concern being whether there would be adequate privacy and protection from street generated noise. The Applicant agreed to provide more information relating to this subject including providing examples of other projects constructed, owned and operated by the Applicant, or familiar to the Applicant, where residential units were in similar proximity to public pedestrian or vehicular rights-of-way.

The Schematic Development Plan for the proposed development shows that the multi-family building varies in setback from adjacent traveled rights-of-way by 45 feet (along the northern stretches of Route 355) to 32 feet along certain sections of West Deer Park Drive, with 40 feet being a typical setback distance (although at the very southeast corner, the structure is within 25 feet of the curb line of West Deer Park Drive). These distances between occupied units and public walkways and streets are not uncommon; the Applicant believes that similar examples already exist elsewhere in the City and are seeking to identify such examples prior to the Council's further consideration of this subject.

Privacy and avoidance from noise for residents of "Fairfield at West Deer Park" are ensured by (a) strategic placement of windows, (b) landscape treatments between the public and the private realms, and (c) use of windows that achieve noise reduction standards.



By way of example, Fairfield has built and presently operates two multi-family communities in the Washington area with separation from sidewalks and streets similar to that proposed for "Fairfield at West Deer Park". Attached are copies of a site plan and various elevations for Fairfield's "Woodland Park" project in Fairfax County. Buildings that front on two Fairfax County maintained roadways vary from 30± feet of separation from building to curb line on Monroe Street (Route 666) to 41 – 44 feet along Sunrise Valley Drive (Route 5320).

At the second project shown ("Fairfield at Fair Chase"), all of the buildings that front public streets are within 35 feet of the curb line. Most are within 30 feet and the closest building is situated approximately 26 feet from the curb line of the adjacent public street. With both projects, sidewalks are located inside of the street curb line and even closer to the dwelling units.

While the analysis above of other Fairfield projects focuses on building curb line separation (because dimensions for those distances were available), "Fairfield at West Deer Park" has also been designed with recognition of the spatial separation between the residential buildings and points of pedestrian movement (sidewalks) and congregation (bus stop, street intersection). A cross section presented at the joint public hearing shows that the southeast corner of the multi-family building site is in close proximity to a sidewalk along West Deer Park and a bus stop on Route 355. Two features differentiate these public and private realms and foster a sense of privacy in the residential units by eliminating direct views into the apartments. Specifically, there is a grade change between the ground floor of the residential building and the nearby sidewalk (with the street grade being even lower). Windows in the multi-family building, at hip height, would be higher than the eyesight level of anyone walking on the West Deer Park sidewalk, thus eliminating "line-of-sight" views from the sidewalk. Additionally, street trees will cause "filtered" views from the sidewalk to the residential building contributing to the privacy of the units.

Moreover, the design proposed by the applicant is consistent with the vision outlined in the Corridor Plan. The Frederick Avenue Corridor Land Use Plan contemplates building designs that abut Frederick Avenue. An example is the Walnut Hill Shopping Center where the text of the Plan recommends that new buildings "...are positioned along the street edge."

The Corridor Plan also suggests construction to the street edge on the east side of Frederick Road, just north of the applicant's property on 8 lots "located at the entryway to Olde Town Gaithersburg." The Plan recommends demolishing several of the existing buildings and replacing them with "townhouse-style live-work units" that "*should be placed up to the street with parking in the rear.*" Again, the relationship of residential living and urban pedestrian and vehicular movement is contemplated in the Frederick Avenue Corridor Plan and is embodied in this Applicant's proposal.

The Applicant is aware that the intersection of Frederick Avenue and West Deer Park Road is an active place. Fairfield has proposed, and will continue to refine through the site plan phase, the design features that will realize the Frederick Avenue Corridor Plan's recommendation to improve the "street wall" along Route 355 and to make the Corridor a more "urban" place without sacrificing the privacy of the proposed residential units.

Thank you for your consideration of these comments.

Sincerely yours,

MILLER, MILLER & CANBY

A handwritten signature in black ink that reads "Jody Kline". The signature is written in a bold, slightly slanted, sans-serif style. The first name "Jody" is written in a larger font size than the last name "Kline".

Jody S. Kline

JSK/dlt

Enclosures

cc: Greg Ossont
Lauren Pruss
Jay Johnson
Mark Coletta
Bill Landfair
Ian Duke





REVISION APPROVED BY

DATE OF SITE DEVELOPMENT SERVICES

NO.	DESCRIPTION	DATE	APPROVED

OVERALL PLAN

FAIRFIELD AT FAIR CHASE

URBAN

SPRINGFIELD DISTRICT
FAIRFAX COUNTY, VIRGINIA



DATE: 4/1/03

SCALE: 1" = 30'

WEST: N/A

ENGINEER: SHAW-WALKER AND PARTNERS, LANDSCAPE ARCHITECTS

WILLIAM H. GORDON ASSOCIATES, INC.

(703) 343-1900 FAX (703) 343-1900

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RECORD

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