

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

July 9, 2007

CALL TO PODIUM:

**Lauren Pruss,
Planning Director**

RESPONSIBLE STAFF:

**Lauren Pruss,
Planning Director**

Jacqueline Marsh, Planner

AGENDA ITEM:

(please check one)

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

PUBLIC HEARING HISTORY:

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

Introduced	
Advertised	6-20-07
	6-27-07
Hearing Date	7-9-07
Record Held Open	
Policy Discussion	

TITLE: JOINT PUBLIC HEARING

Z-305(o) - Request to Rezone 8,673 Square Feet of Land, Part of What is Currently Known as Parcel 100, in the Oakmont Subdivision, Located at 100 Central Avenue, in the City of Gaithersburg, From the R-A (Low Density Residential) Zone to the R-90 (Medium Density Residential) Zone.

SUPPORTING BACKGROUND:

The applicant is requesting the rezoning of part of the property (8,673 square feet) known as Parcel 100, in the Oakmont Subdivision, located at 100 Central Avenue. The applicant proposes to rezone this portion of the subject property from R-A (Low Density Residential) to R-90 (Medium Density Residential) Zone.

Background: In 2002, Concept Site Plan approval was granted for three additional single family units in addition to the existing historic structure, using the Cluster method in the R-90 Zone. This plan was also reviewed by the Mayor and City Council because of the Annexation Agreement requirement for their review of the residential site plan.

The 2003 Land Use Element of the Master Plan recommended that 2.5 acres be designated for open space and be rezoned to R-A.

In 2004, the Natural Resources Inventory (NRI) identified a new wetland which increased the required stream valley buffer from 2.5 acres to 2.8 acres encompassing the stream valley buffer. In 2005, the property was rezoned as follows: 2.8 acres zoned R-A, and 0.74 acres to C-D (Corridor Development) in accordance with the Master Plan. The remainder of the land (0.923 acres) remained as R-90.

In rezoning the entire stream valley buffer to R-A, this left insufficient land area for 4 dwelling units. Approximately 1.14 acres is needed for the four dwelling units approved via the concept plan approved in 2002. This can be accomplished by rezoning 8,673 square feet of land to its original R-90 Zone.

The land to be rezoned is protected by a forest conservation easement, preventing additional development. By using the optional method of rezoning, the applicant can ensure the limits of the land use be used for open space.

Attachments: Index of Memoranda and exhibits

DESIRED OUTCOME:

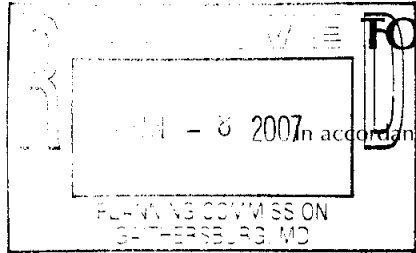
- July 18 - Close Planning Commission record (9 days)**
- July 25 - Planning Commission Recommendation**
- July 27 - Close City Council record (18 days)**
- August 6 - Policy discussion/Final Action City Council**

Joint Public Hearing
Mayor and City Council
And Planning Commission
July 9, 2007

Z-305(o)
Rashidian Estates

Number Exhibit

1. Application for Amendment to the Zoning Map
2. Aerial Location Map
3. Adjoining and Adjacent Property Owners
4. Applicant's Statement in Support of Rezoning
5. Metes and Bounds description
6. Map Showing Surrounding Zoning and Proposed Zoning
7. Schematic Development Plan under Optional Method of Application (reduced version)
8. Letter to Gazette requesting legal advertisement of Joint Public Hearing in the June 20 and 27, 2007, issues
9. Notice of Joint Public Hearing sent June 18, 2007, to Required Parties



AMENDMENT TO THE ZONING MAP

in accordance with Chapter 24, Article VIII of the City Code

Application No. Z- 305(o)
 Filing Date June 8, 2007
 Fee N/A
 JPH
 PC Hearing 7.9.07
 PC Recommendation _____
 M & CC Hearing _____
 Decision _____
 Date _____

SUBJECT PROPERTY Rashidian Estates

Address (if none, the location with respect to streets) 100 Central Avenue, Gaithersburg, MD 20877

Lot _____ Block _____ Subdivision Oakmont

REQUESTED CHANGE

From the existing R-A Zone to the R-90 Zone

Optional Method of Development (check if applicable)

*Note: The optional method is excluded from the RA Zone and the MXD Zone.

APPLICANT(S) Mr. Shahen Tahmassian

Address P.O. Box 114, Great Falls, VA 22066 Telephone 703-850-3209

OWNER(S) Mr. Parviz Rashidian

Address 9913 Chapel Road, Potomac, MD 20854 Telephone 301-721-1400

TAX ASSESSMENT INFORMATION

As shown on the tax docket of the State Department of Assessment and Taxation, Montgomery County, or on the Montgomery County, Maryland Real Estate Tax Bill.

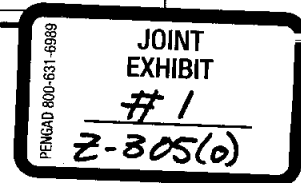
DISTRICT SUBDIVISION	ACCOUNT NUMBER	LOT	BLOCK	ACRES/FEET	SUBDIVISION OR TRACT NAME
9 - 09	00776184			8,673 sf	Parcel 100
9 -					
9 -					
9 -					
9 -					
9 -					

ZONING HISTORY

List below the application numbers, date of filing, and actions taken on all applications filed within 3 years prior to this date for the reclassification of the whole or any part of the land above described.

APPLICATION #	DATE FILED	ACTION TAKEN
Z-298	09/07/2004	Rezoning approved from R-90 to R-A and CD.

continued on reverse side



SUBMISSION REQUIREMENTS

- **Map or plat** prepared by registered surveyor or engineer showing land and existing buildings for which the map amendment is sought, the bordering properties, streets and street names, lot and block designations, north arrow and key map, age and location of existing buildings, property size in acres/square feet. The area which is the subject of the application should be outlined in red. (10 copies)
- **Legal metes and bounds** of property
- **Fee** (see separate schedule)
- **List of names and addresses** of all property owners within 200 feet of any boundary of subject property
- **Statement** demonstrating a change in the neighborhood or a mistake in the Master Plan

If Optional Method submit also:

- **Schematic Development Plan** (which needs to include):
 - Uses of all buildings and structures
 - Location, height, dimensions of all buildings, structures, and parking areas, dimensions of all buildings
 - Location of points of access to site
 - Existing topography (contours of not more than 5-foot intervals) 100-year flood plains, and other natural features
 - Utility Easements
 - Natural Resource Inventory (See Environmental Standards)
- **Proposed Covenant**
- **Statements:**

Applicant proposes to limit uses on the subject parcel to the following: Open Space

Applicant has submitted Schematic Development Plan which imposes the following limitations of development standards:

Land will be held and subject to a Forest Conservation Easement.
Outlot will partially be used for a Stormwater Management Facility.

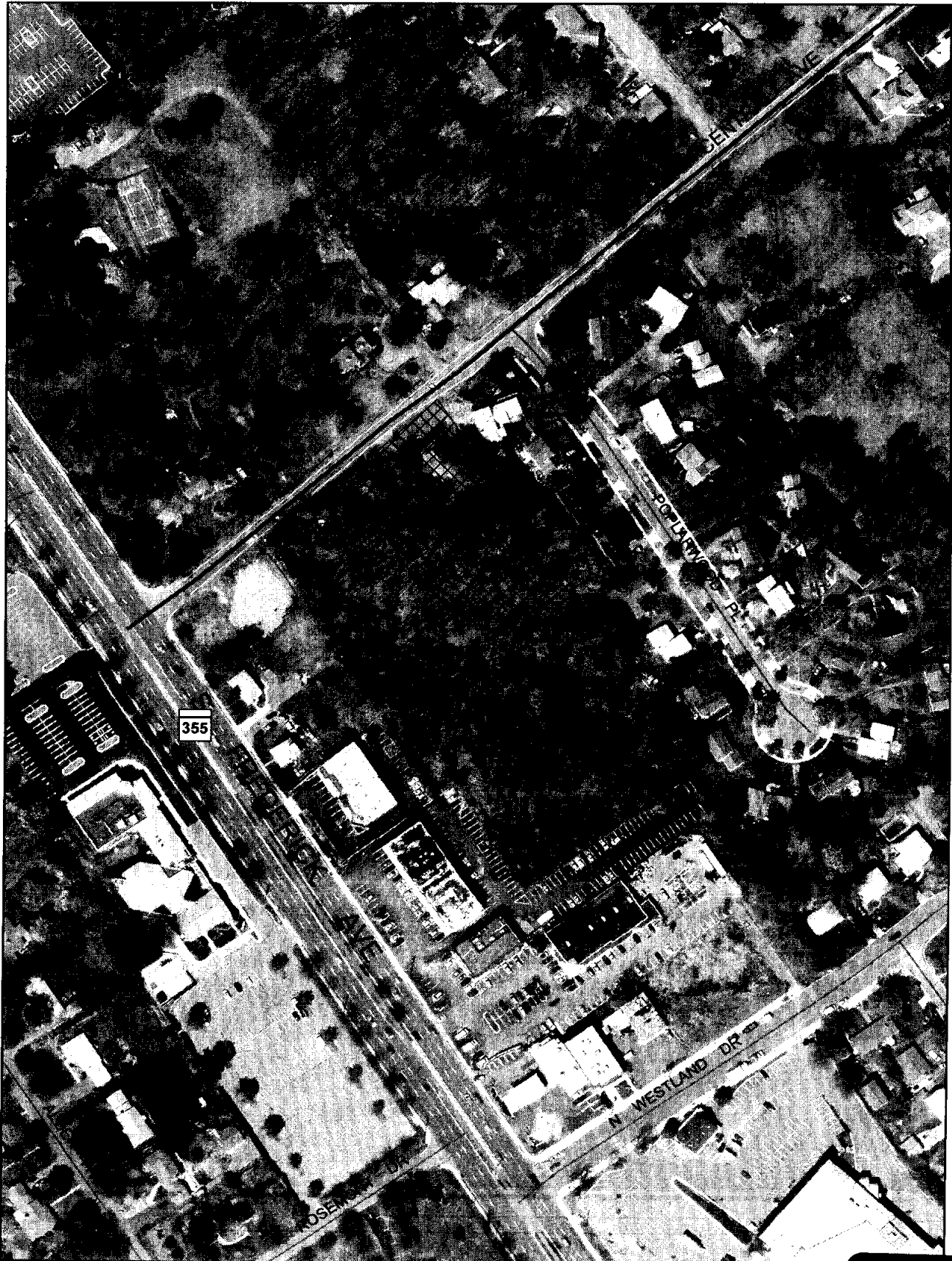
ADDITIONAL INFORMATION

Within five (5) days after filing the application, the applicant shall erect appropriate signs, posting notice of the requested zoning map amendment public hearing (per Section 24-196e of the City Code). The signs are made available to the applicant from the City staff and must remain posted until thirty (30) days after the decision on the application.

I have read and complied with the submission requirements and affirm that all statements contained herein are true and correct.

Applicant's Signature S. Tahmassine Date 06/07/2007
 Owner's Signature Parvaz Rashidian Date 06/07/2007

Site location map Z-305(o) 100 Central Avenue



PENGAD 800-631-6989
JOINT
EXHIBIT
#2
Z-305(o)

BETTY J JACOBS
1 CENTRAL AVE
GAITHERSBURG MD 20877

LOIS K ASCHENBACH
13600 STONEBARN LN
NORTH POTOMAC MD 20878

PARVIZ RASHIDIAN
C/O MARCOLAND
611 S FREDERICK AVE
GAITHERSBURG MD 20877

DAVID E & B J RIPPEON
101 CENTRAL AVE
GAITHERSBURG MD 20877

EMMA R CABEZAS
4406 OLD CHAPEL HILL RD
DURHAM NC 27707

LUAN LLC
C/O BING J LUAN
1301 TIMBERLY LANE
MCLEAN VA 22102

WALNUT HILL LTD PTNSHP
%MONTGOMERY REALTY & INV CO
260 E JEFFERSON STREET
ROCKVILLE MD 20850

NIKOLAOS KALDIS
601 S FREDERICK AVE
GAITHERSBURG MD 20877

NIKOLAOS S KALDIS
4305 FRANKFORT DR
ROCKVILLE MD 20853

PARVIZ RASHIDIAN
9913 CHAPEL RD
POTOMAC MD 20854

GUY R & E A J HASEGAWA
608 POPLARWOOD PLACE
GAITHERSBURG MD 20877

BENJAMIN & J GRIMLEY
610 POPLARWOOD PL
GAITHERSBURG MD 20877

SANDRA B YOLLES
614 POPLARWOOD PLACE
GAITHERSBURG MD 20877

GARY R & S S MCKAY
618 POPLARWOOD PL
GAITHERSBURG MD 20877

THOMAS M & M M STRONG
620 POPLARWOOD PLACE
GAITHERSBURG MD 20877

GUY L POIRIER
GAIL M POIRIER
619 POPLARWOOD PL
GAITHERSBURG MD 20877

DAVID G FOWLER
621 POPLARWOOD PL
GAITHERSBURG MD 20877

CHUNG-LING LIU
622 POPLARWOOD PL
GAITHERSBURG MD 20877

GENE V & D L VERZI
625 POPLARWOOD PLACE
GAITHERSBURG MD 20877

M SINEAD WALSH
8018 WARFIELD RD
GAITHERSBURG MD 20882

RAFAEL I & L M FONT
629 POPLARWOOD PLACE
GAITHERSBURG MD 20877

JIANN-PINGTRUSTUST HSU
RR 1 BOX 1477
NEWTON GA 31770

RICHARD & P HUNT
601 POPLARWOOD PLACE
GAITHERSBURG MD 20877

TUE D PHAMDO
NGOC-NU T HO
602 POPLARWOOD PL
GAITHERSBURG MD 20877

MACK H & I I BURNELL
603 POPLARWOOD PLACE
GAITHERSBURG MD 20877

CARLOS E CANDIDO
PATRICIA LANDAETA CUELLAR
604 POPLARWOOD PL
GAITHERSBURG MD 20877

LARRY P & DIANNA REIDENBACH
605 POPLARWOOD PL
GAITHERSBURG MD 20877

RIGOBERTO & N Y COJOM
606 POPLARWOOD PL
GAITHERSBURG MD 20877

EDWIN ROMERO
607 POPLARWOOD PL
GAITHERSBURG MD 20877

F DOUGLAS & D S BAKER
611 POPLARWOOD PL
GAITHERSBURG MD 20877

PENCLAD 800-631-6989

JOINT
EXHIBIT

#3

2-305(0)

DANIEL L DERKICS
MARILYN A BUSE
612 POPLARWOOD PL
GAITHERSBURG MD 20877

JOSE & MARIA MENDOZA
615 POPLARWOOD PL
GAITHERSBURG MD 20877

JOANN HUNTE
616 POPLARWOOD PL
GAITHERSBURG MD 20877

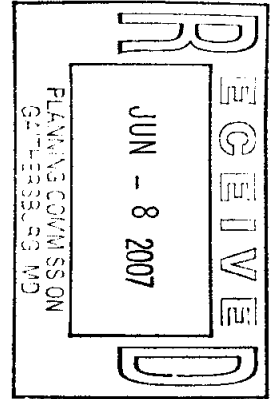


S&S Planning and Design, LLC

76 Baltimore Street ♦ Cumberland, Maryland 21502 ♦ 301-724-7611

RASHIDIAN ESTATES PROJECT REQUEST FOR REZONING & AMENDMENT TO THE ZONING MAP

June 07, 2007



S&S Planning and Design, on behalf of VNT Construction and Mr. Parviz Rashidian, respectively requests the rezoning of 8,673 square feet of area on the Rashidian Estates project from the current R-A zoning to R-90 zoning. The area to be rezoned is identified and illustrated on the accompanying exhibit as “Outlot”, and is shaded for ease of reference. This request is being made in order to correct a previous mistake in the Master Plan and fulfill the purpose of the Rashidian Estates development project.

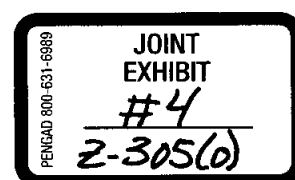
The proposed Rashidian Estates project consists of the development of four (4) single-family residential lots on a relatively small portion (approximately 1-acre) of the original 4.6-acre property. The Concept Plan was approved in 2002 and the 4.6-acre parcel was rezoned in 2004 into three distinct zone areas:

- R-90 for the proposed 4-lot residential development
- R-A for the proposed Stream Valley Buffer & Forest Conservation
- C-D for the development of a parking lot to facilitate the Macroland Building located at 611 South Frederick Avenue

However, within this process and prior to the 2004 rezoning, the Natural Resource Inventory (NRI) was approved and resulted in the outward extension and delineation of the Stream Valley Buffer (SVB). Since it had been predetermined that the property and zoning boundaries of the Rashidian Estates project should be the actual SVB boundary, both the project boundary and the zoning demarcations were revised to correlate with the SVB.

Unfortunately, the revision of the property and zoning boundaries to correlate with the SVB resulted in the overall project size being reduced sufficiently to not allow, according to zoning ordinances, four total lots on the property. Therefore, in order to maintain consistency with the Concept Plan and Site Development Plans under review, an additional outlot has been added to the property and requires rezoning to R-90 to allow the four lot development and correct the previous mistake.

The addition of this outlot only changes the overall project area and zoning boundary. This outlot will be subject to the restrictions and covenants stipulated by the Forest Conservation Easement and the regulations and codes associated with the Stream Valley Buffer and 100-year floodplains.



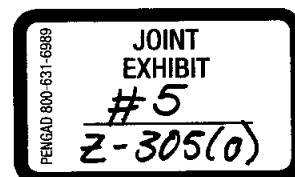
July 2, 2007

MEETS AND BOUNDS DESCRIPTION

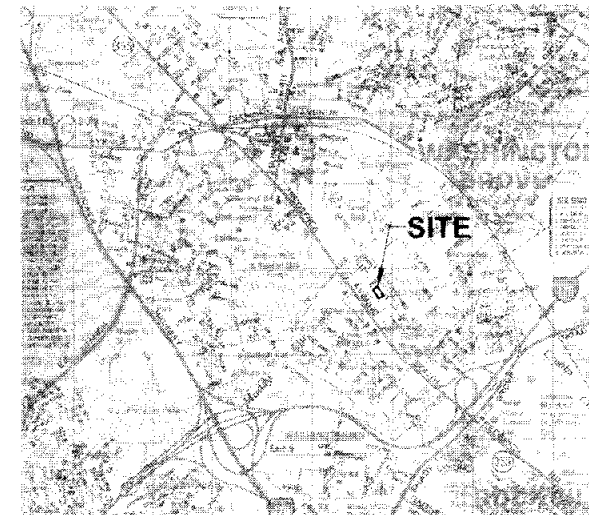
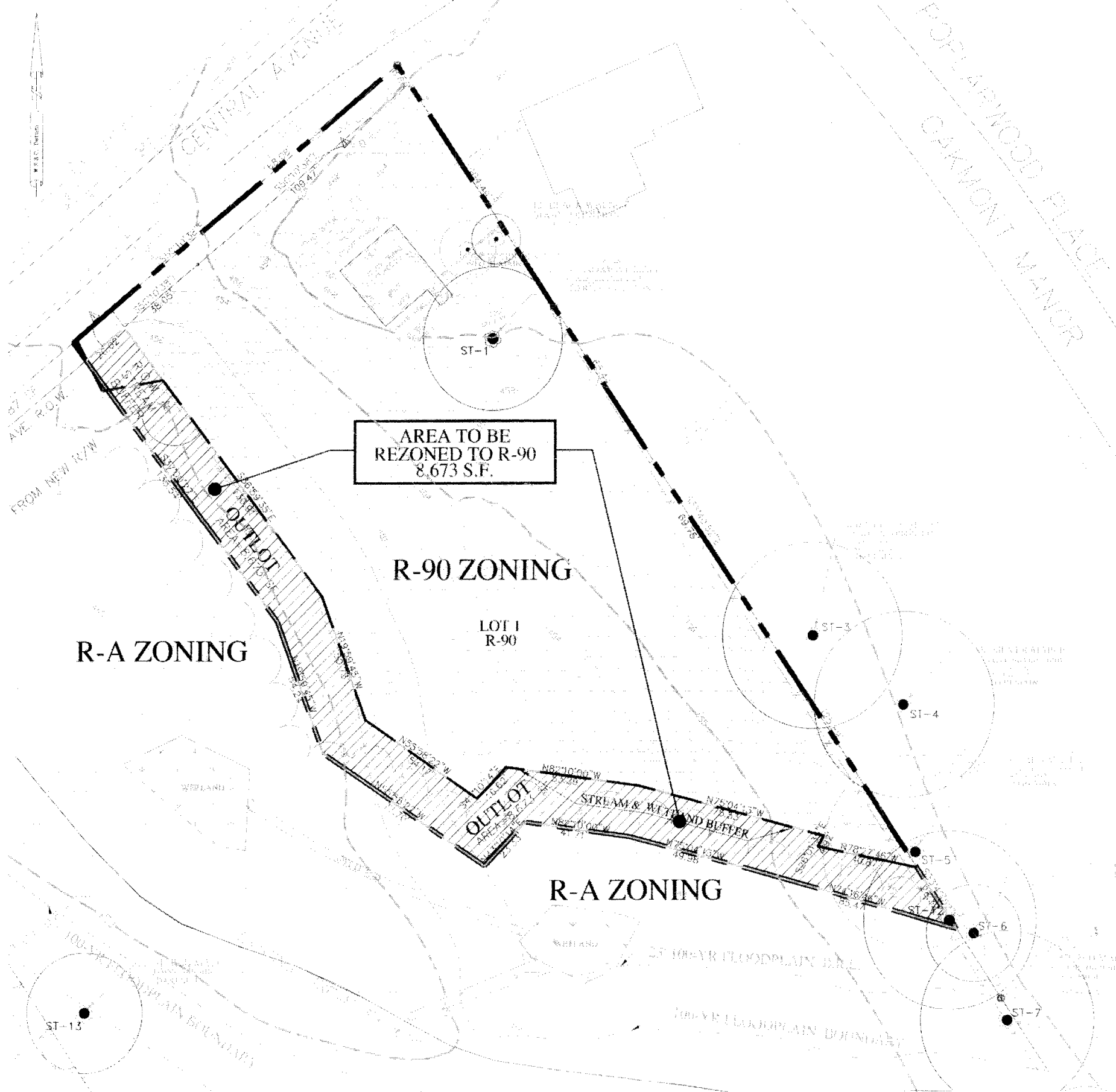
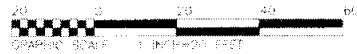
Being all of Outlot as shown on a plat of subdivision entitled, "Rashidian Estates", and recorded in Plat Book ____ as Plat Number R-1209, among the Land Records of Montgomery County, Maryland.

Beginning for the same at the northern most property corner of Lot 1, thence leaving said right-of-way line:

1. South 33°40'52" East, 8.65 feet to a reference point on the northern most point of Lot 1,
2. South 50°10'38" West, 109.47 feet referencing a border of the northern portion of Lot 1
3. South 50°10'38" West, 38.08 feet referencing perpendicular to the centerline of Taline Court, right-of-way; thence becoming the northern most point of the Outlot
4. South 36°59'35" East, 130.91 feet proceeding clockwise while bordering right-of-way
5. South 19°59'45" East, 50.73 feet bordering right-of-way
6. South 55°58'22" East, 54.17 feet bordering right-of-way
7. North 43°10'14" East, 16.62 feet bordering right-of-way leading to the southwesterly most point of Lot 4
8. South 82°10'00" East, 53.29 feet bordering Lot 4
9. South 75°04'13" East, 75.53 feet bordering Lot 4
10. South 26°01'35" West, 4.92 feet bordering Lot 4
11. South 78°27'46" East, 40.87 feet bordering Lot 4
12. South 33°40'52" East, 28.39 feet to the southeasterly most point of the Outlot
13. North 74°16'36" West, 85.47 feet to a point, thence
14. North 75°04'13" West, 49.98 feet to a point, thence



15. North 82°10'00" West, 41.71 feet to a point, thence
16. South 43°10'14" West, 23.33 feet to a point, thence
17. North 55°58'22" West, 77.70 feet to a point, thence
18. North 19°59'45" West, 54.24 feet to a point, thence
19. North 37°00'27" West, 126.93 feet to a point, thence
20. North 50°10'38" East, 20.06 feet the point of beginning, containing 8,673 square feet or .20117 acres of land, more or less.



VICINITY MAP
 ADC Map 19, Grid G-11
 SCALE: 1"=2,000'

ZONING LEGEND:

- R-A ZONING
- R-90 ZONING
- AREA TO BE REZONED TO R-90

**RASHIDIAN ESTATES PROJECT
 REQUEST FOR REZONING &
 AMENDMENT TO THE ZONING MAP**

June 07, 2007

S&S Planning and Design, in collaboration with Mr. Peter Rashidian, respectfully requests the rezoning of 8,673 square feet of land on the Rashidian Estates tract from its current R-A zoning to R-90 zoning. The area to be rezoned is outlined and illustrated on the accompanying exhibit as "Outlot" and is located for ease of reference. This request is being made in order to correct a previous mistake in the Master Plan and fulfill the purpose of the Rashidian Estates development project.

The proposed Rashidian Estates project consists of the development of four (4) single-family residential lots on a relatively small parcel (approximately 1-acre) of the original 3.9-acre property. The Concept Plan was approved in 2007 and the 4-lot development was rezoned in 2007 into three distinct sub-lots:

- R-90 for the proposed 1-lot residential development
- R-A for the proposed Stream Valley Buffer & Forest Conservation
- L-0 for the development of a parking lot to facilitate the Mixed-Use Building located at the South Frederick Avenue

However, within this process and prior to the 2004 rezoning, the Natural Resource Inventory (NRI) was prepared and resulted in the natural extension and delineation of the Stream Valley Buffer (SVB). Since it had been previously determined that the property and zoning boundaries of the Rashidian Estates project should be the same as the SVB boundaries, both the project boundary and the zoning delineations were revised to correlate with the SVB.

Unfortunately, the revision of the property and zoning boundaries to correlate with the SVB resulted in the overall project size being reduced significantly as not all of the zoning outlinances, that had been previously determined, were included in the Concept Plan and Site Development Plans under review. An additional outlot has been added to the map and request rezoning to R-90 to allow the full development and correct the previous mistake.

The addition of this outlot only changes the overall project size and zoning consistency. This outlot will be subject to the restrictions and easements stipulated by the Forest Conservation Easement and the easements and covenants associated with the Stream Valley Buffer and 100-year Floodplain.

S&S Planning and Design, LLC
 Planning & Environmental Services
 76 Baltimore Street
 Cumberland, Maryland 21501
 301-734-1901

REQUEST FOR REZONING EXHIBIT
RASHIDIAN ESTATES
 100 CENTRAL AVENUE
 GAITHERSBURG, MD 20877

Guardian Surveying & Engineering, LLC
 Maryland • Pennsylvania • West Virginia
 P.O. Box 371 • Middleburg • MD 21113
 Phone: (301) 689-0872 • Fax: (301) 689-0871
 email: guardian@guardiansurveying.com

REQUEST FOR REZONING EXHIBIT
 SHEET 1 OF 1

PENNSA 600-631-6888
JOINT EXHIBIT #6
Z-305(0)

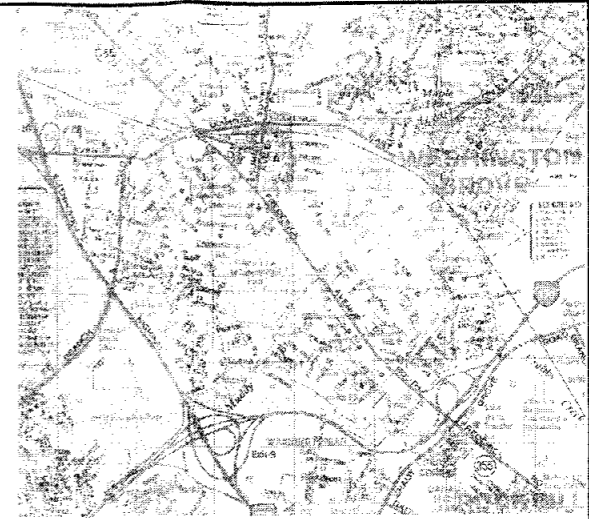
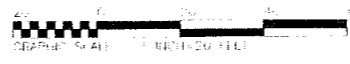


RZ-01

NOTE: MUDS PERMITS REQUIRED FOR WORK IN CENTRAL AVE. RIGHT OF WAY

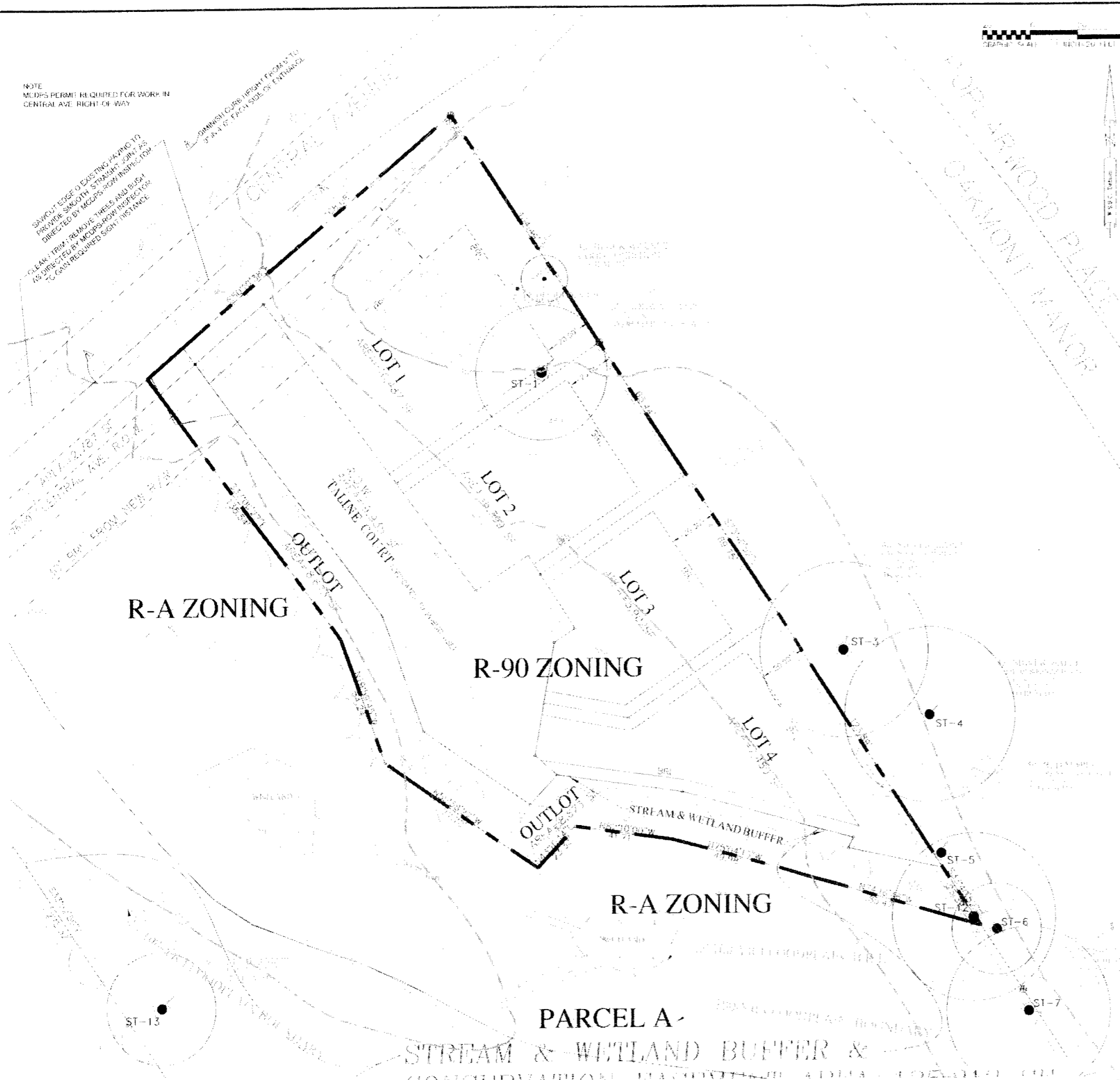
SAVING EDGE OF EXISTING PAVING TO PROTECT SMOOTH STRAIGHT JOINTS AS DIRECTED BY MUDS FROM INSPECTOR
 CLEAN UP AND REMOVE TRUCKS AND BUSHES AS DIRECTED BY MUDS FROM INSPECTOR TO AVOID REQUIRED SIGN INSTANCE

ADJUNCTION CURB HEIGHT FROM TO 3" MAX EACH SIDE OF ENTRANCE



VICINITY MAP
 AUC Map 19, Grid C-11
 SCALE: 1" = 2,000'

SCHEMATIC DEVELOPMENT PLAN
RASHIDIAN ESTATES
 100 CENTRAL AVENUE
 GAITHERSBURG, MD 20877



AREA TABULATIONS

CURRENT ZONING	R-90 (11,511)
TOTAL PROJECT AREA	115,432 (93,721 S.F.)
LOT & DEDEICATION BREAKDOWN	
LOT 1	10,487 S.F.
LOT 2	8,399 S.F.
LOT 3	1,802 S.F.
LOT 4	7,463 S.F.
OUTLOT 1	8,673 S.F. (SHOULD CURRENTLY ZONED R-A)
TOTAL DEDEICATION	39,824 S.F.
ROW DEDICATION - CENTRAL AVE	1,443 S.F.
TOTAL AREA	60,721 S.F. (13.6 AC)

Guardian Surveying & Engineering, LLC
 Maryland • Pennsylvania • West Virginia
 PO Box 371 Middleburg • MD 21543
 Phone (301) 689-9792 • Fax (301) 689-9871
 email: guardianurvey@tdppl.net

CITY OF GAITHERSBURG PLANNING COMMISSION
 31 SOUTH PLAZA AVENUE, GAITHERSBURG, MARYLAND 20877
SITE PLAN APPROVAL
 AT THE REGULARLY SCHEDULED MEETING OF THE PLANNING COMMISSION HELD ON:
 DATE: _____ BY: _____
FINAL SITE PLAN APPROVAL
 DATE: _____ BY: _____
 NOTE: ANY REVISIONS TO THE DEVELOPMENT PLAN MUST BE APPROVED BY THE PLANNING COMMISSION.

PENNS 800-631-6989
JOINT EXHIBIT #7
Z-305(6)



S&S Planning and Design, LLC
 Planning & Environmental Services
 76 Baltimore Street
 Cumberland, Maryland 21502
 301.724.0011

SCHEMATIC DEVELOPMENT PLAN
 SHEET ___ OF ___

SDP



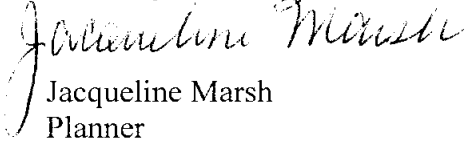
June 15, 2007

Ashby Tanner
Law Section
The Gaithersburg Gazette
P.O. Caller 6006
Gaithersburg, Maryland 20884

Dear Karey:

Please publish the following legal advertisement in the **June 20 and 27, 2007**, issues of the *Gaithersburg Gazette*.

Sincerely,


Jacqueline Marsh
Planner

ASSIGN CODE: **Z-305(o)**

NOTICE OF PUBLIC HEARING

The Mayor and Council and Planning Commission of the City of Gaithersburg will conduct a joint public hearing on Z-305(o), filed by Shawn Tahmassian, for Parviz Rashidian, on

**MONDAY
JULY 9, 2007
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

This application requests rezoning of 8,673 square feet of land, part of what is currently known as Parcel 100, in the Oakmont Subdivision, located at 100 Central Avenue, in the City of Gaithersburg, from the existing R-A (Low Density Residential) Zone to the R-90 (Medium Density Residential) Zone, under the Optional Method of rezoning, in accordance with §24-196 (map amendments) and §24-198 (optional method) of the City Code.

Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

Jacqueline Marsh, Planner
Planning and Code Administration
Acct# 133649

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@gaitthersburgmd.gov • www.gaitthersburgmd.gov

MAYOR
Sidney A. Katz

COUNCIL MEMBERS
Stanley J. Alster
Geraldine E. Edens
Henry F. Marraffa, Jr.
John B. Schlichting
Michael A. Sesma

CITY MANAGER
David B. Humpton

PERC#D 800-631-6989

JOINT
EXHIBIT

#8

Z-305(o)



CITY OF GAITHERSBURG
31 South Summit Avenue
Gaithersburg, Maryland 20877
Telephone: 301-258-6330

NOTICE OF JOINT PUBLIC HEARING

The City of Gaithersburg Mayor and Council and Planning Commission will conduct a public hearing at the time and place noted below.

Meeting: **MAYOR AND CITY COUNCIL**
Application Type: **ZONING MAP AMENDMENT**
File Number: **Z-305(o)**
Location: **100 CENTRAL AVENUE**
Applicant: **PARVIS RASHIDIAN**
Current Zoning: **R-A (LOW DENSITY RESIDENTIAL) ZONE**
Requested Zone: **R- 90 (MEDIUM DENSITY) ZONE**
Day/ Date/Time: **JULY 9, 2007; 7:30 PM**
Place: **COUNCIL CHAMBERS, GAITHERSBURG CITY HALL
31 SOUTH SUMMIT AVENUE**

*****IMPORTANT *****

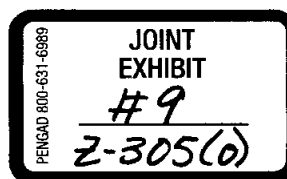
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View Mayor and City Council and Planning Commission meetings live on Gaithersburg Television, Comcast Channel 13 within the City limits, or via streaming video at www.gaithersburgmd.gov/tv. Meetings are rebroadcast for one week on television, and are archived within 24 hours for viewing at any time on the City's website.

CITY OF GAITHERSBURG

By: Jacqueline Marsh
Jacqueline Marsh, Planner
Planning and Code Administration

SEE LOCATION MAP ON REVERSE SIDE



BETTY J JACOBS
1 CENTRAL AVE
GAITHERSBURG MD 20877

LOIS K ASCHENBACH
13600 STONEBARN LN
NORTH POTOMAC MD 20878

PARVIZ RASHIDIAN
C/O MARCOLAND
611 S FREDERICK AVE
GAITHERSBURG MD 20877

DAVID E & B J RIPPEON
101 CENTRAL AVE
GAITHERSBURG MD 20877

EMMA R CABEZAS
4406 OLD CHAPEL HILL RD
DURHAM NC 27707

LUAN LLC
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