

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

September 4, 2007

CALL TO PODIUM:

Jacqueline Marsh

RESPONSIBLE STAFF:

Jacqueline Marsh
Planner

AGENDA ITEM:

(please check one)

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

PUBLIC HEARING HISTORY:

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

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

<p>TITLE: RC-39</p> <p>RC-39: Road Code Waiver Request for Lane 3, Part 2, of Watkins Mill Town Center, SP-05-0013. Revision to RC-33.</p>

<p>SUPPORTING BACKGROUND:</p> <p>On behalf of BP Realty Investments and Classic Community Corporation, Rogers Consulting has submitted this application for a road code waiver to the City of Gaithersburg for Watkins Mill Town Center. This subdivision was approved via site plan SP-05-0013 on May 3, 2006.</p> <p>This waiver request is a modification to an existing road code waiver for Watkins Mill Town Center. The original road code waiver (RC-33) was approved on October 17, 2005, by resolution R-93-05, and allowed for a minimum of 14 feet for the paving width of certain alleyways.</p> <p>The applicants are proposing to reduce the lane paving width of Lane 3, Part 2, from 20 feet to 16 feet to provide 20 foot driveways for the dwelling units on either side of the subject alley. Section 19-15 of the City Code allows the City Council to issue a waiver of paving materials and road design criteria by resolution to meet requirements for Chapter 24, "Zoning".</p> <p>Staff recommends that the road code waivers be approved with the condition that the Department of Public Works, Parks Maintenance and Engineering and the City Fire Marshal approve the final design. Staff has enclosed a draft resolution of approval, reviewed by the City Attorney, for your review. This modification must also be approved by the Planning Commission.</p> <p>Attached: Exhibit 1: RC-33 Exhibit 2: Waiver request application Exhibit 3: Waiver request letter dated August 10, 2007 Exhibit 4: Rode Code Waiver Resolution Exhibit 5: Road Section Waiver Plan</p>

<p>DESIRED OUTCOME:</p> <p>Approve Resolution</p>
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RESOLUTION NO. R-93-05

RESOLUTION OF THE MAYOR AND CITY COUNCIL
GRANTING APPROVAL OF ROAD CODE WAIVERS FOR
VARIABLE ROAD SECTIONS, RADII, INTERSECTION
SPACING, MEDIAN BREAKS, AND ROUNDABOUTS FOR
THE CASEY WEST DEVELOPMENT
SCHEMATIC DEVELOPMENT PLAN SDP-05-002

RC-33

WHEREAS, RST Development LLC has submitted an application for road code waivers to the City of Gaithersburg requesting a waiver of the road code, Chapter 19 of the City Code, as follows:

Watkins Mill Road – Is a Multi lane road that will be designed to coordinate with the County and State criteria.

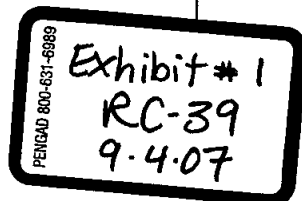
Street “A” – west of Street “G”- This road section is being proposed for use as a residential road. Please find below a list of the requirements that are being proposed for this section of roadway.

	Proposed
Min. R.O.W. Width	40'
Min. Pavement Width	24.5' (20'*)
Min. Median Width	N/A
Min. C/L Radius	100'
Curb and Gutter	Yes
Sidewalk	Yes (8')
Parking	Yes**

* 20' where unmarked parking is proposed

** Unmarked parking is utilized between Street “G” & Street “H”.

Street “A” – Between Street “G” and Watkins Mill Road- This road section is being proposed for use as a residential road. Please find below a list of the requirements that are being proposed for this section of roadway.



	Proposed
Min. R.O.W. Width	50'
Min. Pavement Width	30'
Min. Median Width	N/A
Min. C/L Radius	100'
Curb and Gutter	Yes
Sidewalk	Yes (5' & 8')
Parking	No

Street "A" – Between Watkins Mill Road & Street B3/B4- This road section is being proposed for use as a mixed use road. Please find below a list of the requirements that are being proposed for this section of roadway.

	Proposed
Min. R.O.W. Width	110'-115'
Min. Pavement Width	3-33' & 4-43'
Min. Median Width	6'-21'
Min. C/L Radius	300'
Curb and Gutter	Yes
Sidewalk	Yes (5' & 8')
Parking	No

Street "A" – East of Street B3/B4 (Private) This road section is being proposed for use as a private road. Please find below a list of the requirements that are being proposed for this section of roadway.

	Proposed
Min. R.O.W. Width	74'
Min. Pavement Width	34' (25')*
Min. Median Width	N/a
Min. C/L Radius	300'
Curb and Gutter	Yes
Sidewalk	Yes (20')
Parking	Yes

* Pavement width without parking.

Street "B1"- This road section is being proposed for use as a residential road. Please find below a list of the requirements that are being proposed for this section of roadway.

	Proposed
Min. R.O.W. Width	80'
Min. Pavement Width	58' (49')* (53.5')**
Min. Median Width	N/a
Min. C/L Radius	300'
Curb and Gutter	Yes
Sidewalk	Yes (5' & 8')
Parking	Yes

* Pavement width without parking.

** Pavement width with parking on one side only

Street "B2"- This road section is being proposed for use as a residential road. Please find below a list of the requirements that are being proposed for this section of roadway.

	Proposed
Min. R.O.W. Width	60'
Min. Pavement Width	32' (23'*)
Min. Median Width	N/a
Min. C/L Radius	100'
Curb and Gutter	Yes
Sidewalk	Yes (5' & 8')
Parking	Yes

* Pavement width without parking.

Street "B3"- Section A- This road section is being proposed for use as a mixed use road. Please find below a list of the requirements that are being proposed for this section of roadway.

	Proposed
Min. R.O.W. Width	50.34' (75.34)*
Min. Pavement Width	49' (74)*
Min. Median Width	N/a
Min. C/L Radius	74.5'**
Curb and Gutter	Yes
Sidewalk	Yes (14' & 25.5')
Parking	None

* Pavement and R.O.W width at radii

** Affective centerline radius

Street "B3"- Section B- This road section is being proposed for use as a mixed use road. Please find below a list of the requirements that are being proposed for this section of roadway.

	Proposed
Min. R.O.W. Width	45.34'
Min. Pavement Width	58' (44')*
Min. Median Width	N/a
Min. C/L Radius	300'
Curb and Gutter	Yes
Sidewalk	Yes (11' & 15')
Parking	Yes

* Pavement width without parking.

Street "B3"- Section C- This road section is being proposed for use as a mixed use road. Please find below a list of the requirements that are being proposed for this section of roadway.

	Proposed
Min. R.O.W. Width	65.17' to 80' **
Min. Pavement Width	53.5' (49')*
Min. Median Width	N/a
Min. C/L Radius	300'
Curb and Gutter	Yes
Sidewalk	Yes (8' & 15')
Parking	Yes

* Pavement width without parking.

** R.O.W. varies see plan.

Street "D"- South of Street "E" (Private)- This road section is being proposed for use as a private road. Please find below a list of the requirements that are being proposed for this section of roadway.

	Proposed
Min. R.O.W. Width	70'
Min. Pavement Width	26'
Min. Median Width	N/a
Min. C/L Radius	150'
Curb and Gutter	Yes
Sidewalk	Yes (22')
Parking	None

Street "D"- North of Street "E"- This road section is being proposed for use as a mixed use road. Please find below a list of the requirements that are being proposed for this section of roadway.

	Proposed
Min. R.O.W. Width	60'
Min. Pavement Width	34' (25')*
Min. Median Width	N/a
Min. C/L Radius	100'
Curb and Gutter	Yes
Sidewalk	Yes (12')
Parking	Yes

* Pavement width without parking.

Street "B4", "C", "E", & "G"- This road section is being proposed for use as a residential road. Please find below a list of the requirements that are being proposed for this section of roadway.

	Proposed
Min. R.O.W. Width	60'
Min. Pavement Width	32' (23')*
Min. Median Width	N/a
Min. C/L Radius	100'
Curb and Gutter	Yes
Sidewalk	Yes (5')
Parking	Yes

* Pavement width without parking.

Street "F"- This road section is being proposed for use as a mixed use road. Please find below a list of the requirements that are being proposed for this section of roadway.

	Proposed
Min. R.O.W. Width	80'
Min. Pavement Width	58' (49')*
Min. Median Width	N/a
Min. C/L Radius	300'
Curb and Gutter	Yes
Sidewalk	Yes (5' & 11')
Parking	Yes

* Pavement width without parking.

Street "H"- This road section is being proposed for use as a residential road. Please find below a list of the requirements that are being proposed for this section of roadway.

	Proposed
Min. R.O.W. Width	25'
Min. Pavement Width	20'
Min. Median Width	N/a
Min. C/L Radius	50'
Curb and Gutter	Yes
Sidewalk	Yes
Parking	Yes

Alleys # 6, 8, & 9 W/O Fire Lanes (Private) - This road section is being proposed for use as a private road. Please find below a list of the requirements that are being proposed for this section of roadway.

	Proposed
Min. R.O.W. Width	25'
Min. Pavement Width	14'
Min. Median Width	N/a
Min. C/L Radius	N/a
Curb and Gutter	Yes
Sidewalk	No
Parking	None

Alleys # 1-5, 7, 10, & 11 With Fire Lanes (Private) This road section is being proposed for use as a private road. Please find below a list of the requirements that are being proposed for this section of roadway.

	Proposed
Min. R.O.W. Width	25'
Min. Pavement Width	20'
Min. Median Width	N/a
Min. C/L Radius	N/a
Curb and Gutter	Yes
Sidewalk	No
Parking	None

WHEREAS, the Planning Commission reviewed the Casey West development roadway designs which are consistent with the road code waiver requests as part of their recommendation review of the Schematic Development Plan SDP-05-002 on July 20, 2005, at which time they recommended approval of SDP-05-002 with fifteen (15) conditions of approval; and

WHEREAS, the City Council reviewed the Casey West development roadway designs which are consistent with the road code waiver requests as part of their review and discussion of Schematic Development Plan SDP-05-002 on August 8, 2005, at which time they recommended approval of SDP-05-002 with twenty-three (23) conditions of approval by resolution R-75-05; and

WHEREAS, the Department of Public Works, Parks Maintenance and Engineering and the City Fire Marshal have reviewed and are amenable to the waiver requests finding that the road code waivers are similar and consistent to those granted in previous mixed-use development plans;

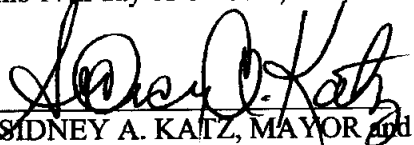
AND WHEREAS, the applicant's engineer has submitted sufficient justification for the waiver request.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Gaithersburg, that the Road Code Waiver RC-33 is hereby approved subject to the following conditions:


1. The Department of Public Works, Parks Maintenance and Engineering (DPWPME) and the City Fire Marshal will review the final design of the road code waiver requests and upon finding that the streets will operate safely with potential additional safety measures, will approve the final design of the road code waiver.

2. The applicant shall provide raised intersection at key intersections. Locations of raised intersection to be determined and approved by DPWPME and Staff.
3. The applicant shall provide decorative crosswalks and intersections and traffic calming devices throughout the development. Locations of decorative crosswalks and intersections and traffic calming devices to be determined and approved by DPWPME and Staff.
4. The applicant shall provide brick pavers in place of concrete for the sidewalks within the urban core for Street A and Street D. Other brick sidewalk locations within and adjacent to the urban core to be determined and approved by DPWPME and Staff.

ADOPTED by the Mayor and City Council this 17th day of October, 2005.


SIDNEY A. KATZ, MAYOR and
President of the Council

THIS IS TO CERTIFY that the foregoing
Resolution was adopted by the City Council
in public meeting assembled on the 17th day
of October, 2005.



David B. Humpton, City Manager

ROAD CODE WAIVER APPLICATION

In accordance with Chapter 19, Article II of the City Code

Application No.	<u>RC-39</u>
Fee	<u>N/A</u>
Date Filed	<u>8-20-07</u>
P&CA Review Date	_____
DPW&E Review Date	_____
PC Review Date	_____
PC Action	_____
M&CC Review Date	_____
M&CC Decision	_____
Decision Date	_____

SUBJECT PROPERTY

Subdivision Watkins Mill Town Center Road Lane 3 - Blue Flax Place
 Applicable Site Plan SP-05-0013 Date of Approval by Planning Commission 05.17.06
 Applicable Preliminary Subdivision Plan SDP-05-002 Date of Approval 08.01.05

APPLICANT

Name BP Residential c/o Classic Group, LLC Daytime Phone (301) 913-0404
 Street Address 8120 Woodmont Avenue Unit Number 300
 City Bethesda State MD Zip Code 20814

WAIVER REQUEST

Subdivision and/or Road Lane 3 - Blue Flax Place, Part 2
 Classification Residential Alley
 Required paving and ROW widths 16' Paving Width with 25' Parcel
 Other required specifications _____
 Section (code or street itself) to be waived _____
 Describe waiver request _____

Describe reason for requested waiver Revise paving width of ~~10'~~^{20'} to 16' to provide 20' driveway length per discussion with City staff

Development to be served by road in question Watkins Mill Town Center

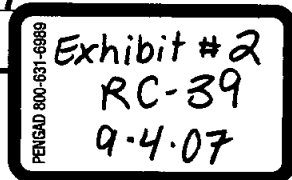
SUBMISSION REQUIREMENTS

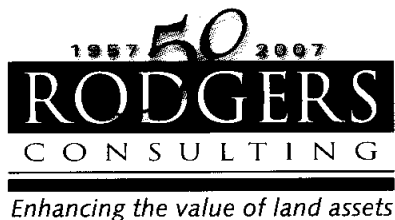
1. Storm Drain and Paving Plans
2. Waiver justification prepared for applicant by a registered engineer
3. Fee (see fee schedule)

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

Applicant's Signature *Mary J. Ventresca, agent*
Rodgers Consulting Inc.

Date 8/13/07





August 10, 2007

Department of Public Works and Engineering
City of Gaithersburg
800 Rabbit Road
Gaithersburg, MD 20878

Attn: Mr. Jim Arnoult, Director

Re: Watkins Mill Town Center SP-05-003
Lane 3 Part 2 Road Code Waiver, Revision to
Road Code Waiver Resolution R-93-05
RCI Job No. 1002AO


Dear Mr. Arnoult,

On behalf of BP Realty Investments and Classic Community Corporation and in coordination with the Site Plan Amendment application submitted on August 7, 2007 we are submitting a road code application for Lane 3 Part 2. We are proposing to reduce the lane paving width from 20' to 16'. Per our conversations with the City Planning Staff the reduction is needed to accommodate 20' driveway lengths for the housing units along that lane. Planning has also notified us that the application fee has been waived since it will be treated as a revision to R-93-05.

Enclosed are the following:

- Road Code Waiver Application
- Road Code Waiver Plan (Highlighted)

If you have any questions, comments or concerns, please feel free to contact me at 301-948-4700.

Sincerely,


Gary F. Unterberg, RLA
Rodgers Consulting, Inc.
Principal

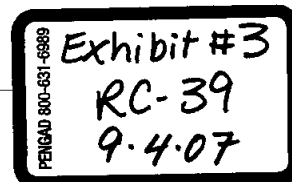
cc: Peter Henry, BR Realty Investments, LLC
Steve Eckert, Classic Community Corp
Brad Kline, Kline and Associates
Fred Felton, City of Gaithersburg
Lauren Pruss, City of Gaithersburg

William Gerald, Classic Community Corp
Dover Hawkins, Classic Community Corp
Jacqueline Marsh, City of Gaithersburg
Greg Ossont, City of Gaithersburg

File

N:\PROJDOCS\776A\Corresp\ 2007-08-10 WMTC_L3_RC_Waiver.doc

19847 Century Blvd. Suite 200, Germantown, MD 20874
301.948.4700 301.948.6256 (fax) www.rodgers.com



RESOLUTION NO. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL
GRANTING APPROVAL OF ROAD CODE WAIVERS FOR
LANE 3, PART 2, OF WATKINS MILL TOWN CENTER, SP-05-0013.

RC-39

WHEREAS, BP Realty Investments LLC has submitted an application for road code waivers to the City of Gaithersburg requesting a waiver of road code as follows:

Lane 3, Part 2 (Private)- This road section is being proposed for use as a private road. Please find below a list of the requirements that are being proposed for this section of roadway.

	Proposed
Min. R.O.W. Width	25'
Min. Pavement Width	16'
Min. Side Width	4.5'
Min. Median Width	N/A
Min. C/L Radius	N/A
Curb and Gutter	YES
Sidewalk	NO
Parking	NONE

WHEREAS, the Planning Commission reviewed the Watkins Mill Town Center Final Site Plan, SP-05-0013, on May 2, 2006, at which time they approved SP-05-0013 with thirty-six (36) conditions;

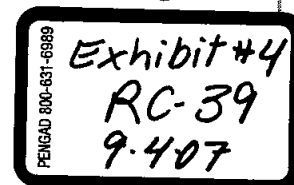
WHEREAS, the road code waiver request is consistent with the roadway designs of the approved Final Site Plan SP-05-0013; and

WHEREAS, The City Council concurs with the Planning Commissions' findings and approval of the Final Site Plan SP-05-0013; and

WHEREAS, Section 19-15 of the City Code authorizes the City Council to waive the road design criteria by Resolution, in accordance with that section; and

WHEREAS, the Mayor and City council find the road code wavier is necessary in order to meet the requirements or intent of Chapter 24, "Zoning;"

WHEREAS, the Department of Public Works, Parks Maintenance and Engineering and the City Fire Marshal have reviewed and are amenable to the waiver requests finding that



the road code waivers are similar and consistent to those granted in previous development plans;

AND WHEREAS, the applicant's engineer has submitted sufficient justification for the waiver request.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Gaithersburg, that the Road Code Waiver RC-39 is hereby approved subject to the following conditions:

1. The Department of Public Works, Parks Maintenance and Engineering (DPWPME) and the City Fire Marshal will review the final design of the road code waiver requests and upon finding that the streets will operate safely with potential additional safety measures, will approve the final design of the road code waiver.

ADOPTED by the Mayor and City Council this 4th day of September, 2007.

SIDNEY A. KATZ, MAYOR and
President of the Council

THIS IS TO CERTIFY that the foregoing Resolution was adopted by the City Council in public meeting assembled on the 4th day of September, 2007.

David B. Humpton, City Manager

