

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

September 17, 2007

CALL TO PODIUM:

**Lauren Pruss,
Planning Director**

RESPONSIBLE STAFF:

Caroline Seiden, Planner

**Ollie Mumpower,
Engineering Services Director**

AGENDA ITEM:

(please check one)

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

TITLE: SDP-07-001 ROAD CODE WAIVER

Road Code Waiver Requests for Road Sections, Radii, Intersection Spacing and Median Breaks for SDP-07-001, Casey East

SUPPORTING BACKGROUND:

In conjunction with the application for schematic development plan SDP-07-001, Rodgers Consulting, Inc., on behalf of the applicant, BP Realty Investments, LLC, filed an application for road code waivers.

The subject plan was granted schematic development plan approval by the Mayor and City Council on August 20, 2007 and included a condition that a road code waiver be approved.

The waiver request is similar to those already approved for Kentlands and the West End at Watkins Mill Town Center. The attached plan includes the proposed road sections, radii, intersection spacing and median breaks. Section 19-15 of the City Code allows the City Council to issue a waiver of road design criteria by resolution to meet requirements for Chapter 24, "Zoning."

Staff has enclosed a draft resolution of approval for your review.

Attachments:

- Road Code Waiver Application*
- Waiver Request letter,*
- Waiver request Exhibit, reduced copy*
- Draft Resolution*

PUBLIC HEARING HISTORY:

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

Introduced	
Advertised	05/30/07
	06/06/07
Hearing Date	06/18/07
Record Closed	08/01/07
Policy Discussion	08/20/07

DESIRED OUTCOME:

Vote on Resolution for SDP-07-001 Road Code Waivers

ROAD CODE WAIVER APPLICATION

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

Application No.	<u>RC-38</u>
Fee	<u>\$2000 Pd</u>
Date Filed	<u>8/2/07</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 The Spectrum Road See Attached Plan
 Applicable Site Plan SDP-07-001 Date of Approval by Planning Commission N/A
 Applicable Preliminary Subdivision Plan N/A Date of Approval N/A

APPLICANT

Name BP Realty Investments LLC Daytime Phone (703) 615-2240
 Street Address 10000 Falls Rd Suite #100 Unit Number _____
 City Potomac State MD Zip Code 20854

WAIVER REQUEST

Subdivision and/or Road The Spectrum
 Classification See attached road detail & road code waiver plan
 Required paving and ROW widths See attached road detail & road code waiver plan
 Other required specifications See attached road detail & road code waiver plan
 Section (code or street itself) to be waived See attached road detail & road code waiver plan
 Describe waiver request see attached road detail & road code waiver plan

Describe reason for requested waiver Accomplish TND - as shown on approved sketch plan

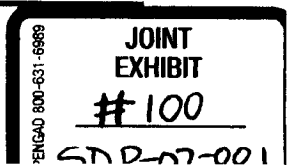
Development to be served by road in question The Spectrum

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 Date 7/30/07





August 30, 2007

Mr. James Arnoult
 Director of Public Works, Parks Maintenance and Engineering
 City of Gaithersburg
 800 Rabbitt Rd
 Gaithersburg, Maryland 20878

Re: The Spectrum at Watkinsmill
 Road Code Waiver Application
 RCI Project # 0776A2

Dear Mr. Arnoult:

On behalf of BP realty Investments, L.L.C., Rodgers Consulting is requesting a waiver to the Road Code requirements for the above referenced project. These waivers are being requested to implement the layout that was approved on the Schematic Development Plan. The waivers being requested are similar to those already approved in Kentland's and The West End at Watkins Mill Town Center.

This summary, along with the Road Code Waiver Exhibit, includes the proposed road sections, radii, intersection spacing, and median breaks etc. Below, please find a breakdown of each road proposed.

PUBLIC STREE A1: 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)
Min. R.O.W. Width	51.34'
Min. Pavement Width	16'
Min. Side Width	14'
Min. Median Width	10'
Min. C/L Radius	NA
Curb and Gutter	Yes
Sidewalk/Path	Yes (8' & 8') Private
Parking	No

PUBLIC STREE 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)
Min. R.O.W. Width	66.34'
Min. Pavement Width	22'
Min. Side Width	14'
Min. Median Width	10'
Min. C/L Radius	NA
Curb and Gutter	Yes
Sidewalk/Path	Yes (8' & 8') Private
Parking	No

PUBLIC STREET A2, PUBLIC STREET B2 & PUBLIC STREET B-3 (21.33' R/W): 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)
Min. R.O.W. Width	21.33'
Min. Pavement Width (With Parking)	34'
Min. Side Width	11'
Min. Median Width	No
Min. C/L Radius	No
Curb and Gutter	Yes
Sidewalk (With 4.5' Tree Box)	Yes (11' & 11')
Parking	Yes (7')

PUBLIC STREET B3 (30' R.O.W.): 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)
Min. R.O.W. Width	30'
Min. Pavement Width	26'
Min. Side Width	2'
Min. Median Width	No
Min. C/L Radius	No
Curb and Gutter	Yes

Sidewalk/Path	No
Parking	No

PUBLIC STREET B3 (60' R.O.W.): 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.

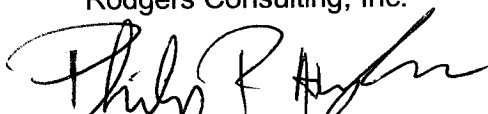
	Proposed (min)
Min. R.O.W. Width	60'
Min. Pavement Width (With Parking)	34'
Min. Side Width	13'
Min. Median Width	No
Min. C/L Radius	70'
Curb and Gutter	Yes
Sidewalk/Path	Yes (5' min)
Parking	Yes (7')

WATKINS MILL ROAD – Is a multi lane road that will be designed to coordinate with the County and State criteria.

As noted on the SDP Plan the roads will be finalized at the site plan. There may be minor modifications to the road sections at site plan to accommodate City or owner comments.

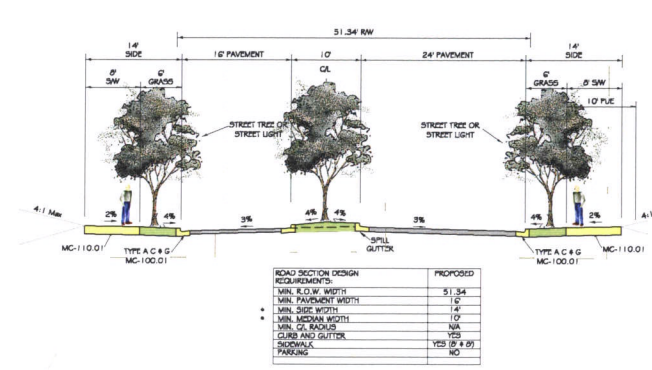
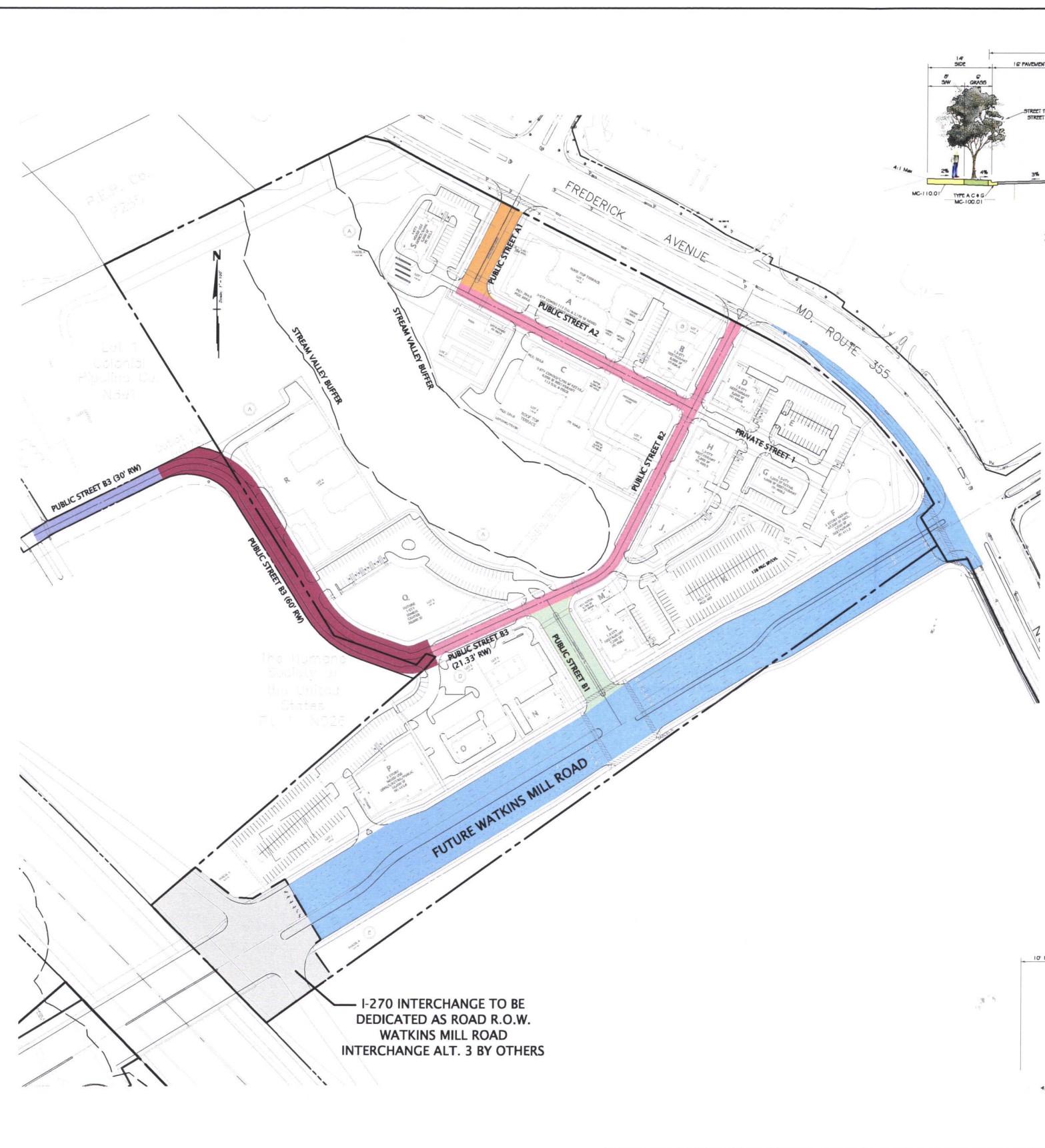
Should you have any questions or require additional information, please do not hesitate to contact us at 301-948-4700.

Sincerely,
Rodgers Consulting, Inc.

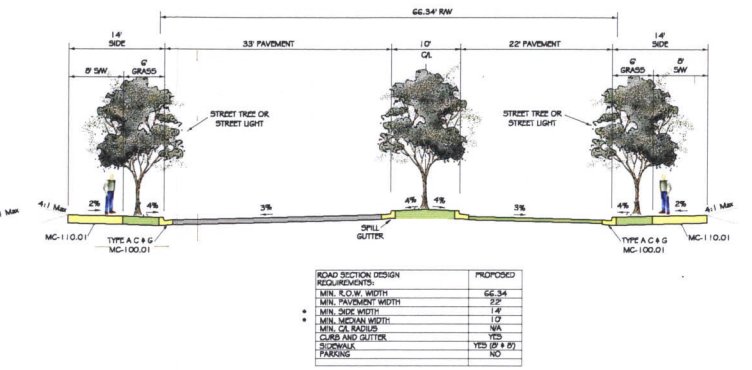


Philip Hughes, P.E.
Senior Engineer

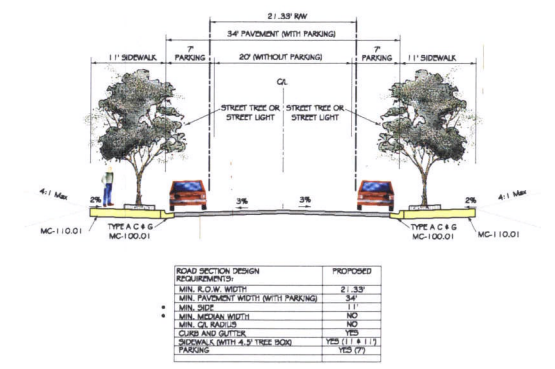
Cc: Pete Henry, BP Realty Investments, L.L.C.
Gary Unterberg, RCI
Fred Felton, City of Gaithersburg
Ollie Mumpower, City of Gaithersburg
Caroline Seiden, Planning



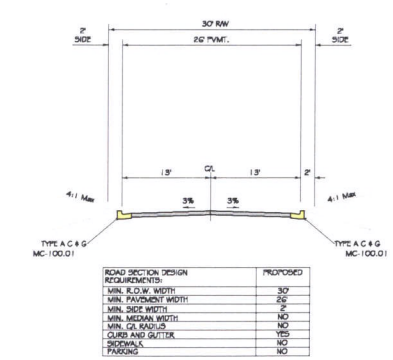
PUBLIC STREET A1



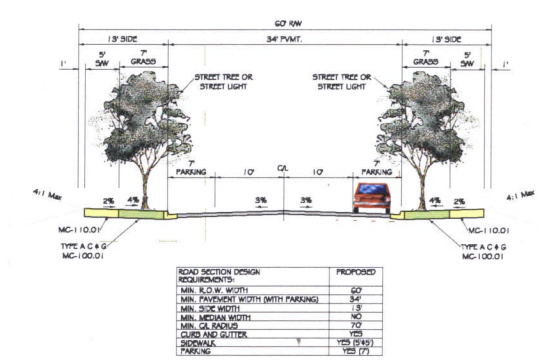
PUBLIC STREET B1



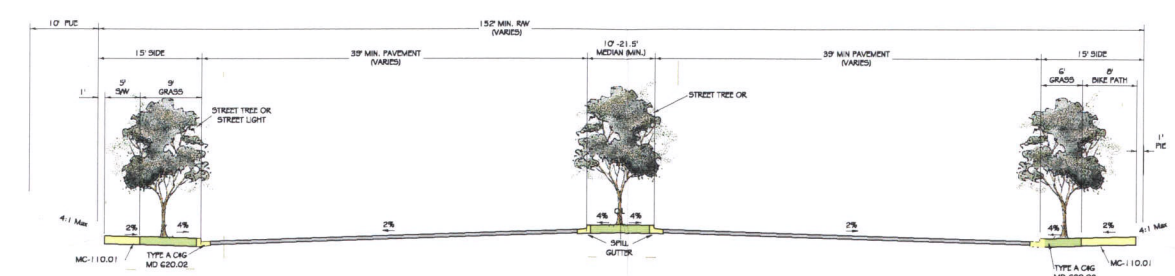
PUBLIC STREET A2, PUBLIC STREET B2 & PUBLIC STREET B-3 (21.33' RW)



PUBLIC STREET B3 (30' RW)

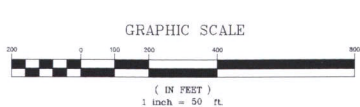


PUBLIC STREET B3 (60' RW)



WATKINS MILL ROAD

- NOTES:**
- 1) MEDIAN AND SIDEWALK TO BE MAINTAINED BY PROPERTY OWNER PER MAINTENANCE AGREEMENT BETWEEN CITY AND PROPERTY OWNER.
 - 2) FINAL SIDEWALK & PUE LOCATIONS OUTSIDE R/W TO BE DETERMINED AT SITE PLAN APPROVAL.



REVISION	DATE	REVISION	DATE	REVISION	DATE

Owner/Developer
BP Realty Investments, LLC
 10000 Falls Road, Suite 100
 Potomac, Maryland 20854
 Ph: (301) 299-2099
 Fax: (301) 299-2033
 Contact: Mr. Peter J. Henry

ROAD CODE WAIVER

RODGERS CONSULTING
 Enhancing the value of land assets
 Rodgers Consulting, Inc.
 19847 Century Blvd., Suite 200
 Germantown, MD 20874
 301.948.4700
 301.948.6256 (fax)
 301.253.6609
 www.rodgers.com

BASE DATA	BY	DATE
DESIGNED	SP	07-07
DRAWN	SP	07-07
REVIEWED	QJ	07-07

RELEASE FOR _____
 BY: _____ DATE: _____

PARCELS 360, 563 AND N455
 City of Gaithersburg
 9th Election District
 Montgomery County, Maryland

SCALE: 1" = 100'

JOB No.	776A
DATE	July, 2007
SHEET No.	1 of 1

RESOLUTION NO. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL
GRANTING APPROVAL OF ROAD CODE WAIVERS FOR
VARIABLE ROAD SECTIONS, RADII, INTERSECTION
SPACING AND MEDIAN BREAKS FOR
THE CASEY EAST DEVELOPMENT
SCHEMATIC DEVELOPMENT PLAN SDP-07-001

RC-38

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:

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Min. R.O.W. Width	51.34'
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PUBLIC STREET B3 (30' R.O.W.): 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.

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Min. R.O.W. Width	30'
Min. Pavement Width	26'
Min. Side Width	2'
Min. Median Width	No
Min. C/L Radius	No
Curb and Gutter	Yes
Sidewalk/Path	No
Parking	No

PUBLIC STREET B3 (60' R.O.W.): 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.

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Min. Median Width	No
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Curb and Gutter	Yes
Sidewalk/Path	Yes (5' min)
Parking	Yes (7')

WATKINS MILL ROAD – Is a multi lane road that will be designed to coordinate with the County and State criteria.

WHEREAS, the Planning Commission reviewed the Casey East development roadway designs, which are consistent with the road code waiver requests, as part of their recommendation review of Schematic Development Plan SDP-07-001 on July 25, 2007, at which time they recommended approval of SDP-07-001 with 31 conditions of approval; and

WHEREAS, the City Council reviewed the Casey East development roadway designs, which are consistent with the road code waiver request, as part of their review and discussion of Schematic Development Plan SDP-07-001 on August 20, 2007, at which time they recommended approval of SDP-07-001 with 32 conditions of approval; and

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

AND WHEREAS, the Applicant 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-38 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 request 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. Applicant to enter into a reciprocal use agreement with the City, to run with the land, providing the property owner with access to medians on streets A1 and B1 for the purpose of installing and maintaining community monument signage and landscaping and providing the City access to private property adjacent to the right of way on streets A1, B1, A2, B2, and the portion of street B-3 with a 21.33" right of way for installation and maintenance of street signage and street lights as well as maintenance of storm drains, curb and gutter. The agreement is to be executed prior to final site plan approval.

ADOPTED by the Mayor and City Council this 17th 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 17th day
of September, 2007.

David B. Humpton, City Manager