

# MAYOR & COUNCIL AGENDA COVER SHEET

**MEETING DATE:**

November 19, 2007

**CALL TO PODIUM:**

**Greg Ossont, Director  
Planning & Code Administration**

**RESPONSIBLE STAFF:**

**Greg Ossont, Director  
Planning & 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
<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: Courtesy Review

**PUBLIC HEARING HISTORY:**

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

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

<p><b>TITLE: Courtesy Review- SDP-07-003</b></p> <p>Proposal to Amend a Schematic Development Plan (SDP), Known as Maryland Carpet and Tile, Located at 305 South Frederick Avenue, Gaithersburg, Maryland. The Amendment Proposes Two Story Mixed Use Building Consisting of 5343 Square Feet. The property is in the Corridor Development (CD) Zone.</p>
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<p><b>SUPPORTING BACKGROUND:</b></p> <p>Upon receipt of an application to Amend a Schematic Development Plan (SDP), Section 24-198(c)(3)c of the City Code requires a courtesy review of the application presented by staff. The Mayor and Council may either:</p> <p>(1) Find that the application has a minor effect and thereby direct the planning commission to make a final decision on the amendment in accordance with the procedure set forth above in subsection 24-198(c)(3)b [Site Plan Review Process].; or</p> <p>(2) Direct that the amendment be referred to the planning commission for further evaluation, public hearing and recommendation. The council shall thereafter approve or disapprove the recommendation of the planning commission without the necessity of public hearing, no later than forty-five (45) days after receipt of the commission's recommendation or may on its own motion, extend such time limit.</p> <p>Staff has attached a memorandum which provides the history of the property and compares and analyzes the proposal to the previously approved SDP-02-002 (SDP). Also attached are the original and proposed plans.</p> <p>Staff is recommending that the Mayor and Council direct the Planning Commission to make a final decision on the application.</p> <p>Staff Presentation: 5 minutes Attachments</p>
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<p><b>DESIRED OUTCOME:</b></p> <p><b>Provide staff guidance.</b></p>
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~~XXXXXXXXXX~~ OK JP

MEMORANDUM TO: Mayor and City Council

VIA: David B. Humpton, City Manager *DH*

FROM: Greg Ossont, Director  
Planning and Code Administration *G*

DATE: January 16, 2007

SUBJECT: Maryland Carpet and Tile Site

As you are aware, the Maryland Carpet and Tile project (formerly Victor Litz) at 305-307 North Frederick Avenue has been stalled for several months.

The entire structure footing was constructed without the contractor contacting the City for the required inspections. Inspections staff immediately issued a 'stop work' order and conducted the required inspection. Upon inspection, it was noted that the building footing was constructed in the wrong location, approximately 10 feet closer to North Frederick Avenue and within a public utility easement.

Subsequent notices were issued to the property owner and contractor requiring additional engineering and boundary surveys. Ultimately, it was determined that there were conflicting boundary surveys which likely contributed to the construction in the wrong location. It is our understanding that the property owner has filed a suit against the surveying firm that certified the inaccurate survey and is seeking damages in the amount of what it will cost to demolish the existing footing and relocate it in the correct location.

Staff has been in contact with the property owner's attorney and he has indicated that the court date is scheduled for July 9, 2007. Additionally, the attorney has indicated that should additional enforcement action against his client be furthered, he would immediately appeal any action pending resolution of the matter in court.

I hope this information is helpful. If you have any questions, please contact me directly at [gossont@gaitthersburgmd.gov](mailto:gossont@gaitthersburgmd.gov)

Distribution:  
*F. Felton*  
*C. Borten*  
*W. Burnette*

MEMORANDUM TO: Mayor and City Council

VIA: David B. Humpton, City Manager *DBH*

FROM: Greg Ossont, Director  
Planning and Code Administration *GO*

DATE: August 8, 2007

SUBJECT: Maryland Carpet and Tile Site

As you are aware, the Maryland Carpet and Tile project (formerly Victor Litz) at 305-307 North Frederick Avenue was issued a "stop work" order on November 1, 2004.

The entire structure footing was constructed without the contractor contacting the City for the required inspections. Inspections staff immediately issued a 'stop work' order and conducted the required inspection. Upon inspection, it was noted that the building footing was constructed in the wrong location, approximately 10 feet closer to North Frederick Avenue and within a public utility easement.

Subsequent notices were issued to the property owner and contractor requiring additional engineering and boundary surveys. Ultimately, it was determined that there were conflicting boundary surveys which likely contributed to the construction in the wrong location. The property owner filed suit against the surveying firm and the suit was settled last month.

Staff recently met with the owner to discuss next steps for the project and the owner is considering a revision to the original schematic development plan that was approved in 2002. The attached letter provides further details on the concept and a follow up meeting with the property owner and the development team has been scheduled for August 13, 2007.

I hope this information is helpful. If you have any questions, please contact me directly at [gossont@gaithersburgmd.gov](mailto:gossont@gaithersburgmd.gov)

Attachment  
Distribution:  
*F. Felton*  
*W. Burnette*  
*L. Pruss*



August 2, 2007

Mr. Ali Asgari  
Maryland Carpet and Tile  
425 North Frederick Avenue  
Gaithersburg, Maryland 20877

Re: 305 North Frederick Avenue

Dear Mr. Asgari:

As we discussed during our meeting, the referenced property has been under a "stop work" order for several months. Currently, the building foundation encroaches into the public utility easement. This portion of the building is required to be removed and relocated outside the easement. You have proposed demolition of the portion located in the utility easement as we have requested. Due to code and utility requirements the entire structure must be removed from the easement as opposed to leaving a "cut out" or notch.

Pursuant to your request, staff conducted an inspection of the existing footing and noted that it may be feasible to retain the remainder of the footing. The City would require an engineer's certification that the footing may be reused prior to giving final approval for such use.

In addition, you have proposed a modified structure with no basement and a second story. Upon review, it was noted that the required parking would be 13-14 spaces. Currently, you have approved plans for 12 spaces. A one or two space parking waiver request would need to be submitted with your application. While staff will require additional detail, we are generally supportive of a waiver provided it is limited to one or two parking spaces.

Also, the reuse of the existing footing will decrease the distance between the north side of the building and the property line. Earlier iterations of your proposed building modifications retained the egress door and sidewalk and decreased the alley width. The latest version you provided relocates the egress door to the east side of the building and eliminates the requirement for the sidewalk as well. As a result, the alley width is maintained to allow two-way traffic. While staff would need to study the concept further, the key issues regarding parking and alley width do not seem to be insurmountable.

Assuming you would like to proceed, I would like to schedule another meeting with you and your development team to coordinate the necessary revisions in preparation of the amendment to schematic development plan. The amendment will require review by both the Mayor and City Council and Planning Commission. To schedule a meeting, please contact me directly at 301-258-6330.

Sincerely,

Greg Ossont, Director  
Planning and Code Administration

cc: Fred Felton, Assistant City Manager

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](mailto:cityhall@gaitthersburgmd.gov) • [www.gaitthersburgmd.gov](http://www.gaitthersburgmd.gov)

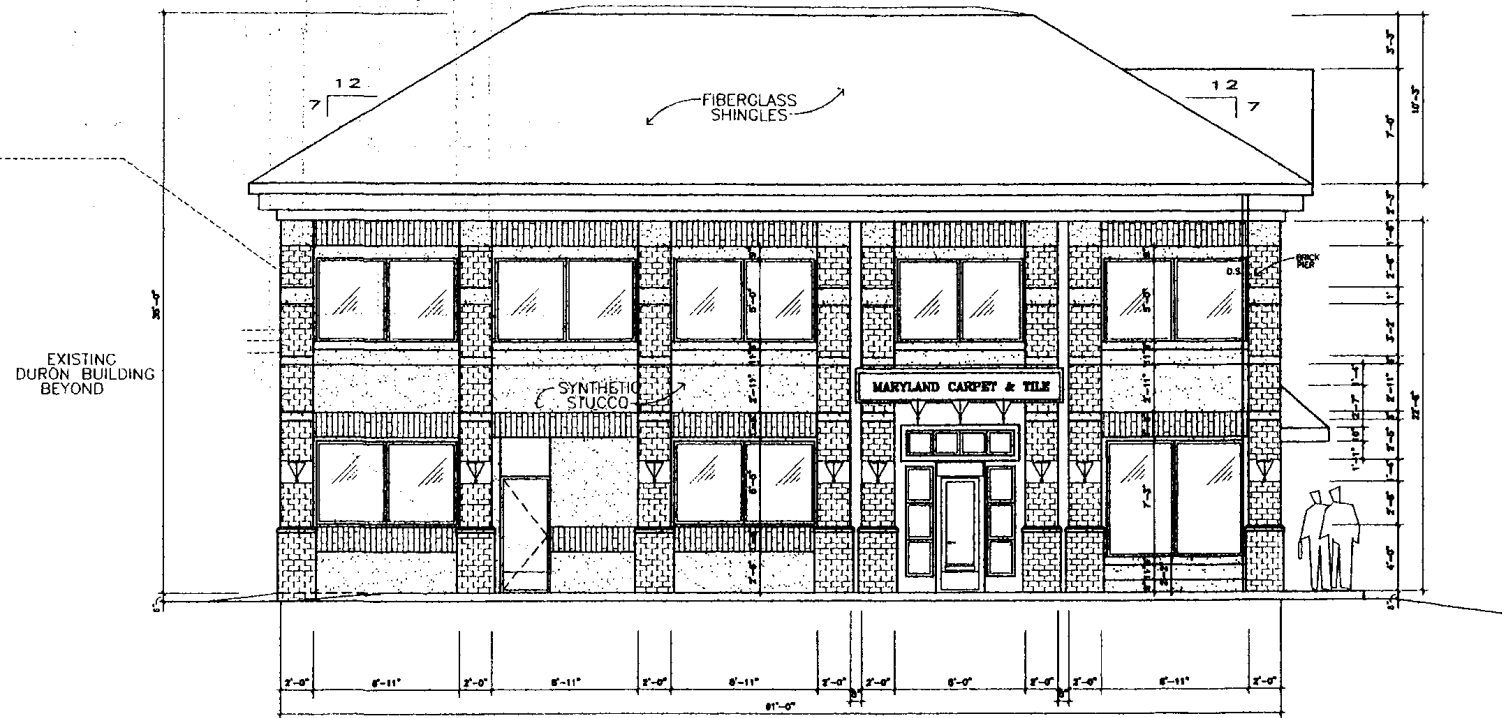
MAYOR  
Sidney A. Katz

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

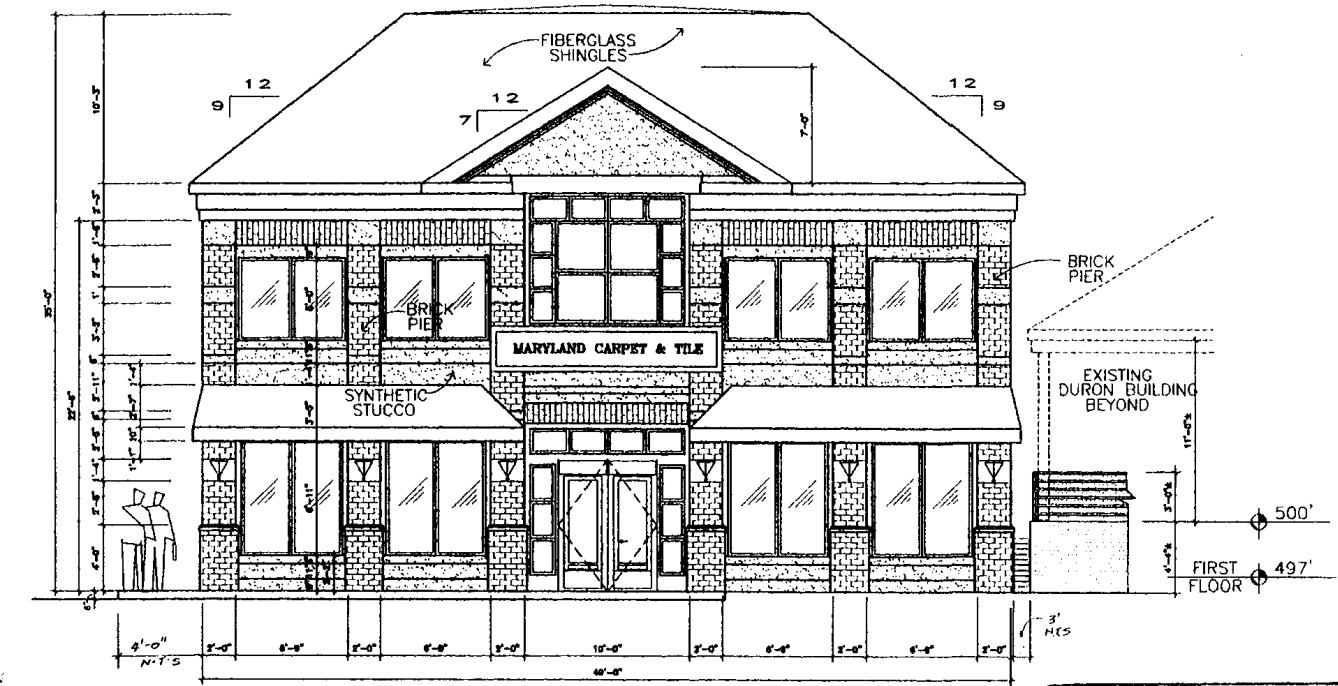
CITY MANAGER  
David B. Hampton



# MARYLAND CARPET & TILE

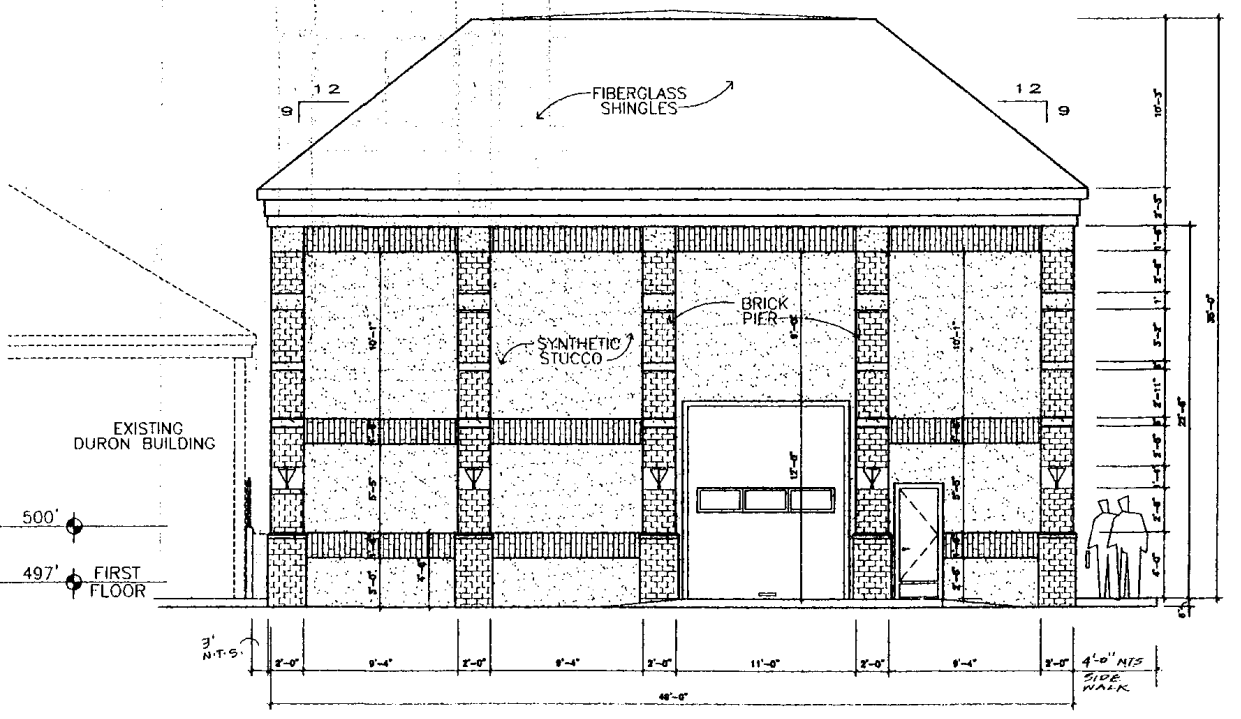


LEFT SIDE ELEVATION  
SCALE: 3/16" = 1'-0"

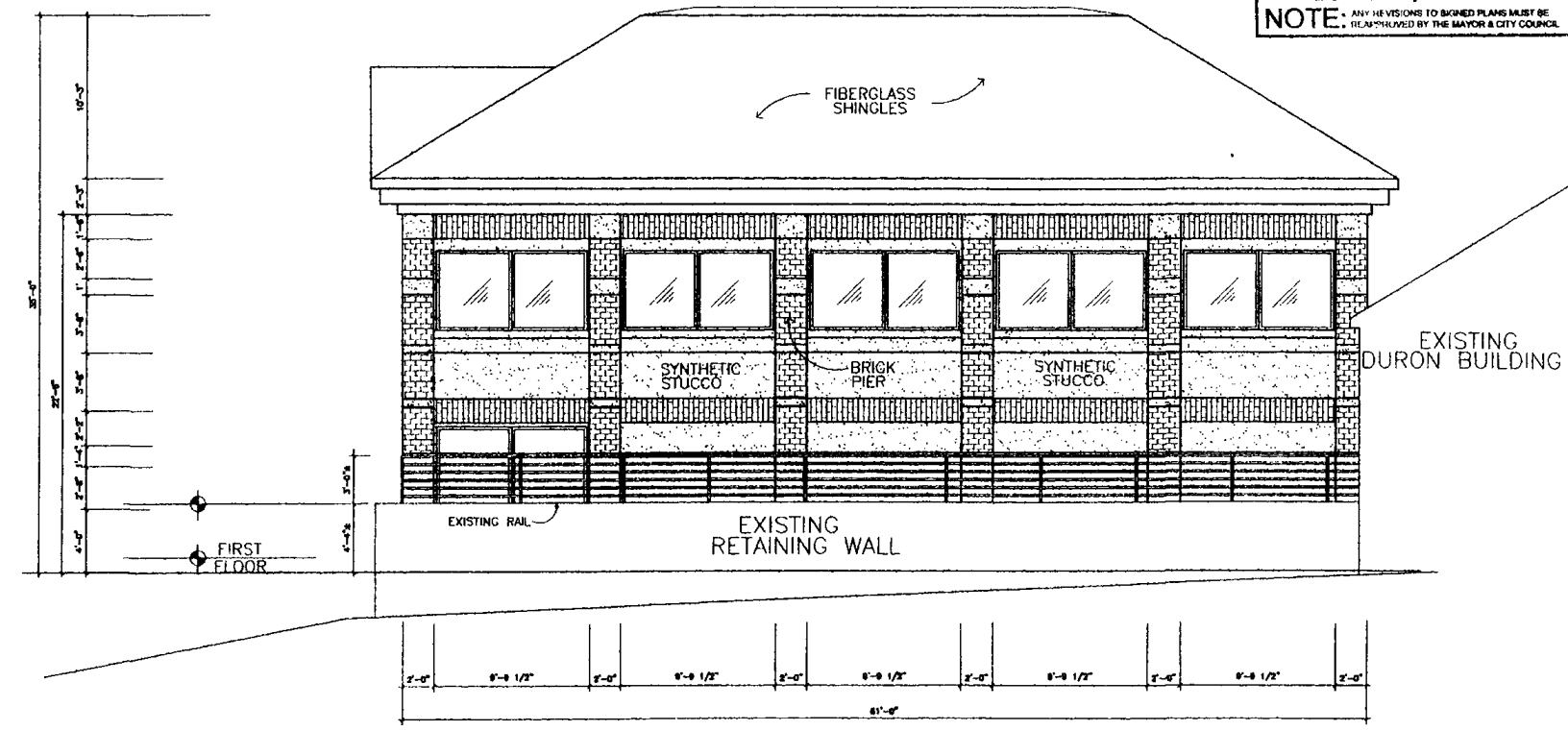


FRONT ELEVATION  
SCALE: 3/16" = 1'-0"

CITY OF GAITHERSBURG MAYOR & COUNCIL  
31 SOUTH SUMMIT AVENUE, GAITHERSBURG, MARYLAND 20877  
**SCHEMATIC DEVELOPMENT PLAN APPROVAL**  
AT THE REGULARLY SCHEDULED MEETING OF THE MAYOR AND CITY COUNCIL HELD ON September 2, 2003  
APPLICATION NO. SDP-02-002 WAS GRANTED  
SCHEMATIC DEVELOPMENT PLAN APPROVAL  
BY RESOLUTION R-91-02, WITH EXHIBIT (B) CONDITIONS  
DATE 2-28-03 BY Patricia Petula  
**NOTE:** ANY REVISIONS TO BIDDING PLANS MUST BE REAPPROVED BY THE MAYOR & CITY COUNCIL.

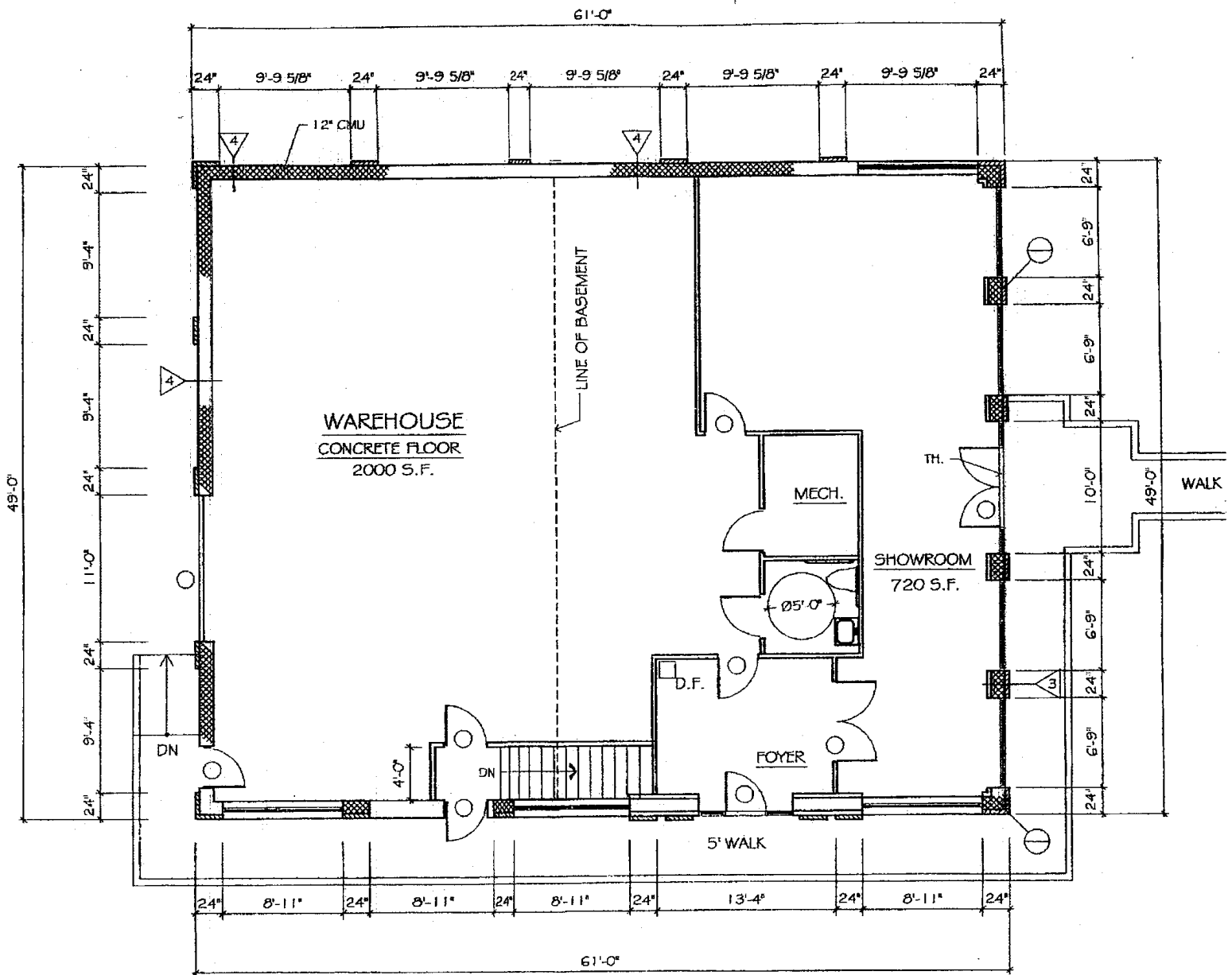



REAR ELEVATION  
SCALE: 3/16" = 1'-0"



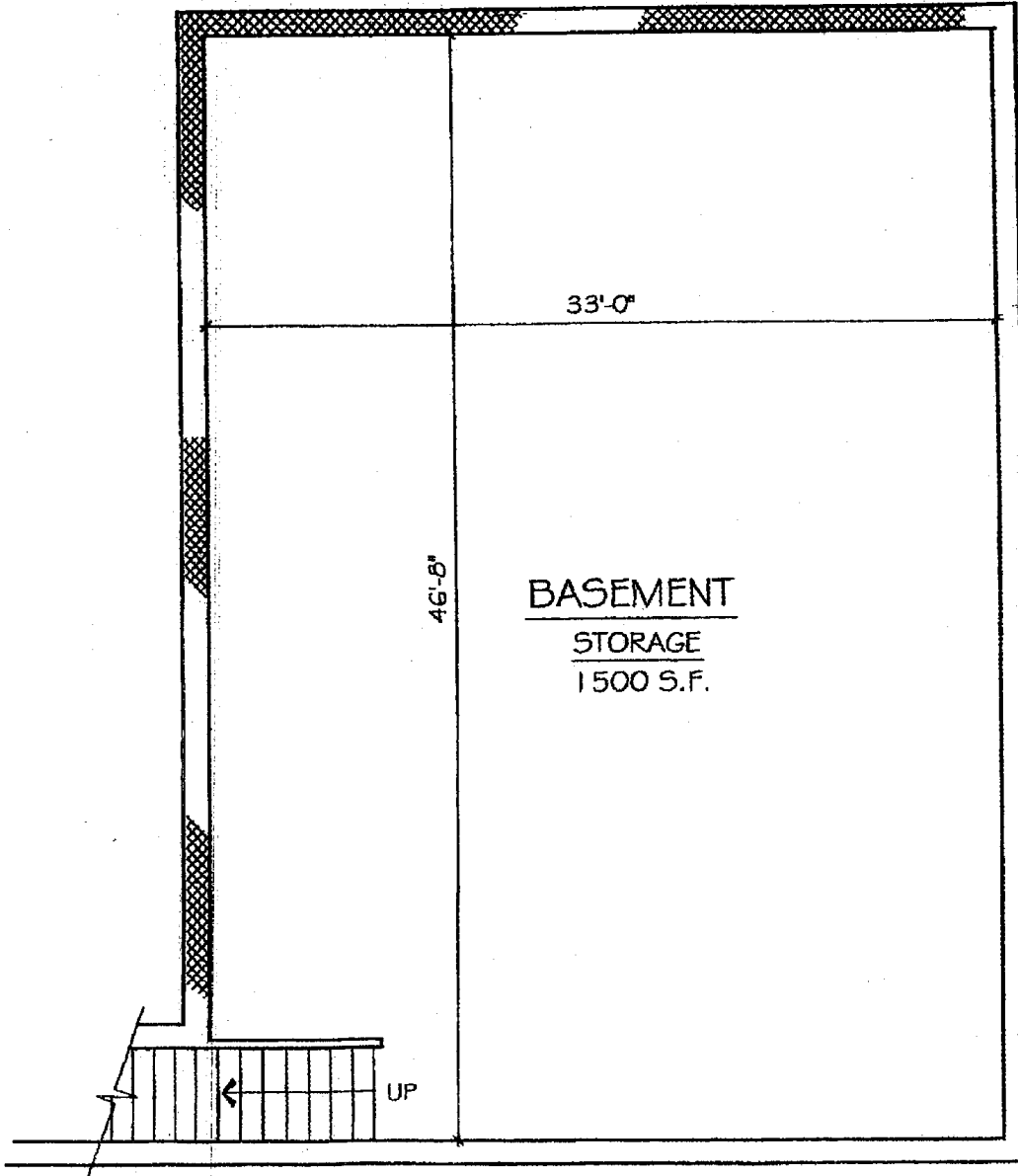
RIGHT SIDE ELEVATION  
SCALE: 3/16" = 1'-0"

ORIGINAL 2002




**FIRST FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"

RICHARD BRYAN, R. I.  
**JOINT EXHIBIT #9**  
 SOP-02-002 9-6-02



PHILIP-BAYONE, INC.  
**JOINT EXHIBIT**  
#10  
SDP-02-002 5-6-02

**GENERAL NOTES:**

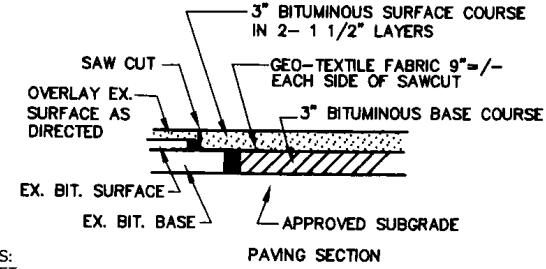
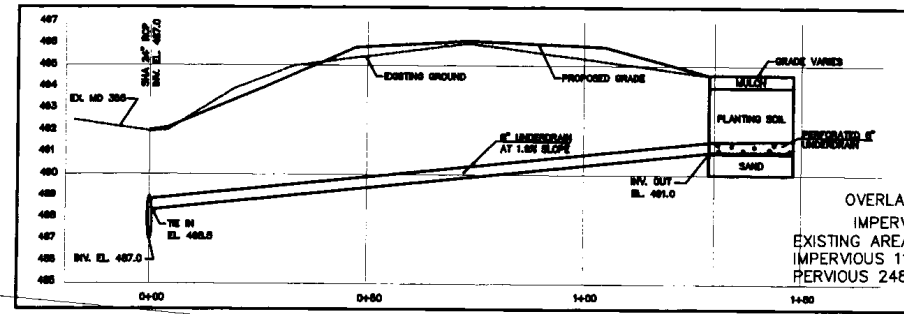
1. ALL PERIMETERS, PAVING EDGES AND ISLANDS SHALL BE CURBED
2. CURBS, GUTTERS, SIDEWALKS AND PAVING SHALL BE INSTALLED IN SUCH A MANNER AS TO PROVIDE POSITIVE DRAINAGE OF ALL AREAS SO THERE IS NO ACCUMULATION OF SURFACE WATER.
3. ALL PAVING, STORM DRAINAGE, UTILITIES AND IMPROVEMENTS ON THIS PARCEL IS PRIVATE AND THE MAINTENANCE IS THE RESPONSIBILITY OF THE OWNER.

**SITE TABULATION**

- 1) Total area of this plan is 14260.0 sq.ft.  
Total area of dedication is 2460.0 sq.ft.  
Net lot area is 11800.0 sq.ft.
- 2) Topography is by TES Silver Spring, MD, dated February 2, 2001. (WSSC Datum)
- 3) Boundary information is from plat by O'Connell & Lawrence, Inc., dated November 8, 2000.
- 4) Existing zoning is CD.  
Front B.R.L. -10' provided 10'  
Side B.R.L. -3' (south) provided 0'  
Side B.R.L. -1' (north) provided 1.2'  
Rear B.R.L. -20' provided 0.0'
- 5) Required green space = 2333 sq.ft (20%)  
Proposed green space = 2674 sq.ft (23%)
- 6) Building coverage:  
35% allowed=4082 sq.ft.  
proposed=2585 sq.ft. (25%)
- 7) Allowable building height=45'-0"  
Proposed building max height=38'-0"
- 8) Water and sewer are public.
- 9) Soil type is Urban Land 67UB. (source MD SCS Maps)
- 10) Gaithersburg Site Plan No. SDP-02-002
- 11) Property shown on Tax Map FT42 as Sub213, P22.
- 12) Trees marked thus "O" shall be protected during constructions. See 1994 Maryland Standards & Specifications for Erosion & Sediment Control, Standard and Specifications for Tree Protection.
- 13) Storm Water Management quality control to be provided with a bioretention facility. A water quantity waiver is requested.
- 14) Parking Tabulation

PROPOSED USE	AREA OF PROPOSED USE	PARKING REQUIREMENT
BASEMENT STORAGE	762 SQ. FT.	N/A (ACCESSORY USE & NO EMPLOYEES OR VEHICLES STORED)
RETAIL W/ STORAGE	2,589 SQ. FT.	(5) SPACES (900 SQ. FT./180) (5) SPACES (1,689 SQ. FT./500 + 2 VEHICLES)
OFFICE	1,977 SQ. FT.	(7) SPACES (1,977 SQ. FT./300)
TOTAL PARKING REQUIRED (17)		TOTAL PARKING PROVIDED (14)
		PARKING WAIVER REQUIRED (3)

- 15) NO OUTSIDE STORAGE IS ALLOWED
- 16) EXISTING HOUSE AT 305 NORTH FREDERICK AVENUE IS ON THE CITY OF GAITHERSBURG'S HISTORIC INVENTORY MHT-21-135
- 17) EXISTING HOUSE AT 305 NORTH FREDERICK AVENUE TO BE REMOVED
- 18) There are no streams, floodplains, highly erodible soils or endangered species in need of conservation within this site.
- 19) Adjacent property line information is created from existing development plans.
- 20) Handicap Accessibility note: All handicap accessibility requirements will apply
- 21) A street tree with grate may be planted in the future on evaluation of the streetscape of this block, location, species and timing to be determined. SDA condition #5 allows for money to be placed in an escrow for the street tree and grate.



**OVERLAND SHEET FLOW SUMMARY**

**IMPERVIOUS AREA COMPARISON**

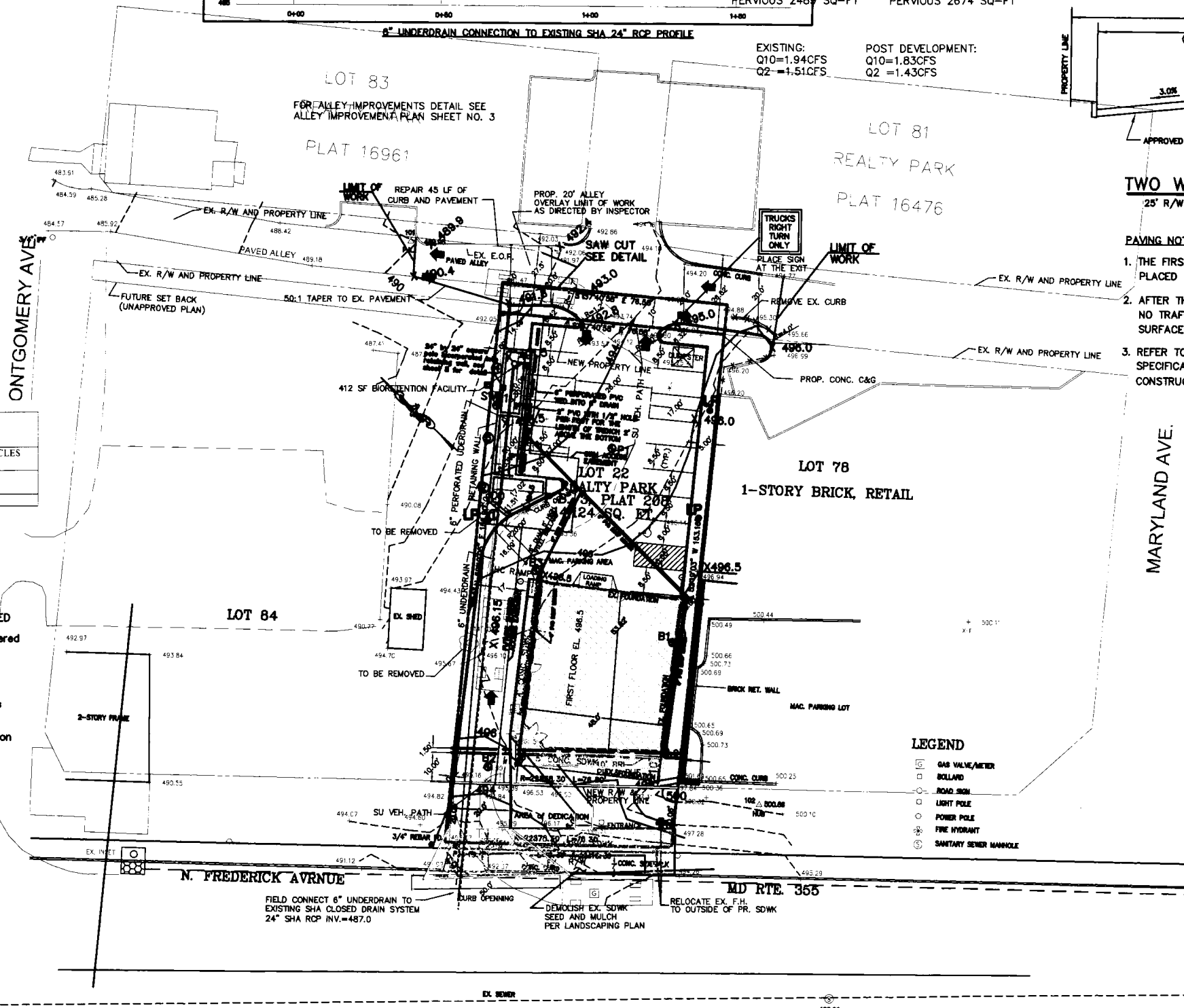
EXISTING AREAS:	POST DEVELOPED AREAS:
IMPERVIOUS 11635 SQ-FT	IMPERVIOUS 11450 SQ-FT
PERVIOUS 2489 SQ-FT	PERVIOUS 2674 SQ-FT

**EXISTING:**

Q10=1.94CFS	Q2=1.51CFS
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**POST DEVELOPMENT:**

Q10=1.83CFS	Q2=1.43CFS
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**TWO WAY ALLEY**  
25' R/W 20' SECTION

**PAVING NOTES**

1. THE FIRST OR INTERMEDIATE SURFACE COURSE MUST BE PLACED AS SOON AS FIELD CONDITIONS ALLOW
2. AFTER THE BITUMINOUS CONCRETE BASE HAS BEEN PLACED NO TRAFFIC IS ALLOWED ON BASE COURSE UNTIL FIRST SURFACE COURSE HAS BEEN PLACED.
3. REFER TO MARYLAND STATE HIGHWAY ADMINISTRATION SPECIFICATIONS FOR MATERIALS AND METHODS OF CONSTRUCTION.

**LEGEND**

- GAS VALVE/METER
- BOLLARD
- ROAD SIGN
- LIGHT POLE
- POWER POLE
- FIRE HYDRANT
- SANITARY SEWER MANHOLE

CITY OF GAITHERSBURG  
DEPARTMENT OF PUBLIC WORKS  
PARK MAINTENANCE AND ENGINEERING

**FINAL APPROVAL**

DATE: \_\_\_\_\_  
BY: \_\_\_\_\_

CITY OF GAITHERSBURG PLANNING COMMISSION  
31 SOUTH SUMMIT AVENUE, GAITHERSBURG, MARYLAND 20877

**SITE PLAN APPROVAL**

AT THE REGULARLY SCHEDULED MEETING OF THE PLANNING COMMISSION HELD ON \_\_\_\_\_

APPLICATION NO. **SP-02-0008** WAS GRANTED

**FINAL SITE PLAN APPROVAL**

WITH \_\_\_\_\_ ( ) CONDITIONS. SEE S.D.A. LETTER

DATE: \_\_\_\_\_ BY: \_\_\_\_\_

**NOTE:** ANY REVISIONS TO SIGNED PLANS MUST BE REAPPROVED BY THE PLANNING COMMISSION

**OWNER: ALI ASGARI**  
**MARYLAND CARPET AND TILE**  
4258 NORTH FREDERICK AVE.  
GAITHERSBURG, MD 20877  
(301) 258 8453



**MARYLAND TILE**  
305 N FREDERICK AVE.  
GAITHERSBURG, MD 20877  
DATE: JANUARY 17, 2005

**SP-02-0008**

**BAZIKIAN CONSULTANTS, LTD.**  
ENGINEERS  
700 GAITHERSBURG CENTER, SILVER SPRING, MD 20910  
TEL: (301) 583-9705 • FAX: (301) 583-0009  
www.bazikian.com

**J.M.A. & ASSOCIATES**  
14317 PLATINUM DRIVE  
NORTH POTOMAC, MD 20878  
(301) 762-7819

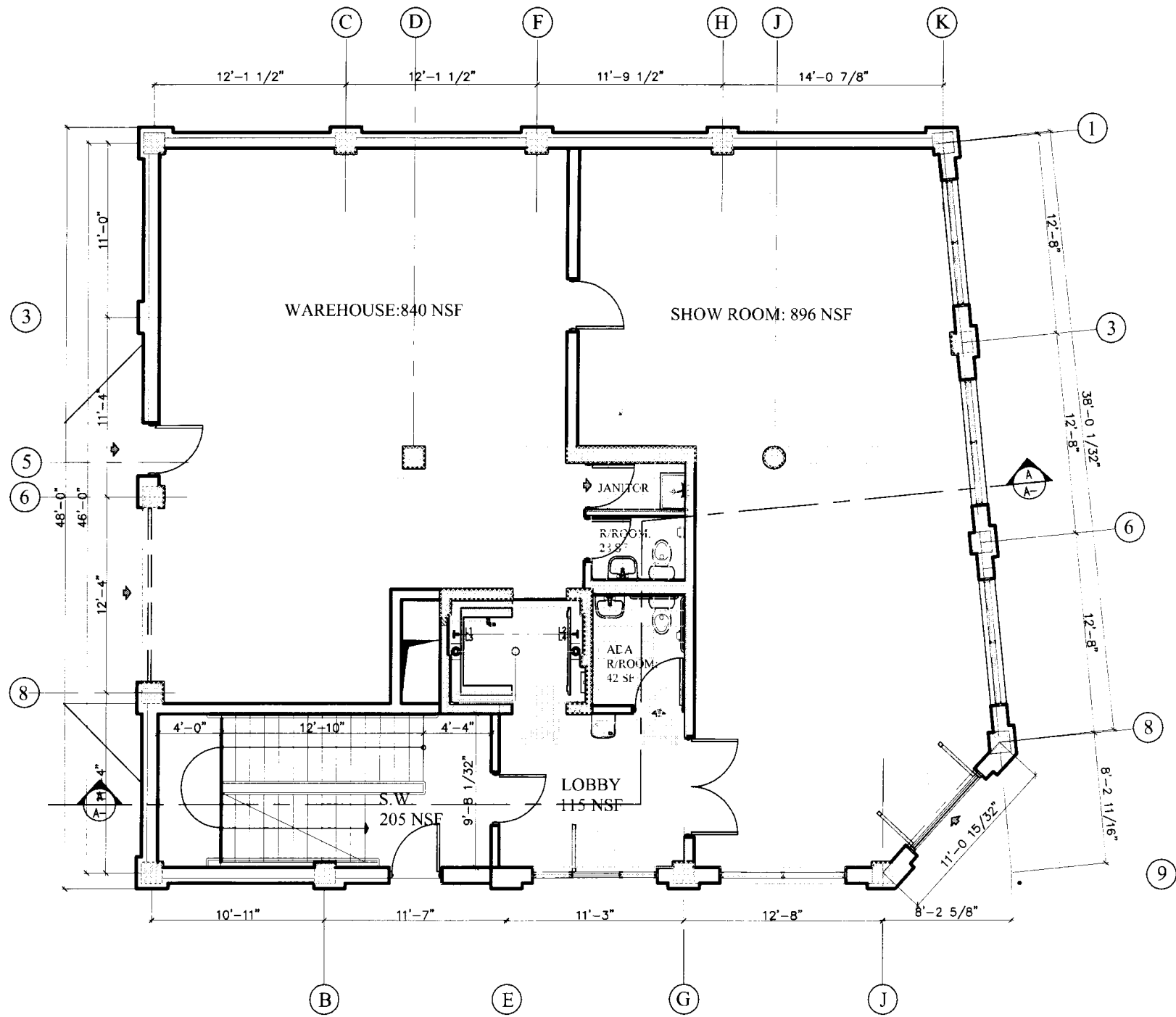
ARCHITECT

SHEET   9   OF   9  

**C-2**

DATE	BY	REVISION
07/04/08	JAC	1
11/02/07	JAC	2
01/17/05	JAC	3





**FIRST FLOOR PLAN**  
SCALE 1/4"=1'

2007

**BAZIKIAN**  
CONSULTANTS, LTD.  
ENGINEERS, ARCHITECTS, PLANNERS  
1000 WASHINGTON BLVD. LANES, MD 20777  
TEL. (301) 487-4532 FAX (301) 487-4535  
WWW.BAZIKIAN.COM

DESIGN BY DAVID B. AKOPIAN  
**FIRST FLOOR PLAN**  
OWNER:  
MR. ALI ASGARI, MD CARPET AND TILE  
(240) 426-9800  
SHEET 2 OF 5

**A-2**

DATE	REVISION

PRELIMINAR CONCEPT DRAWINGS

**MARYLAND CARPET & TILE**  
305 N FREDERICK AVE. GAITHERSBURG, MD 20877





