

# MAYOR & COUNCIL AGENDA COVER SHEET

**MEETING DATE:**

**January 7, 2008**

**CALL TO PODIUM:**

**Jacqueline Marsh**

**RESPONSIBLE STAFF:**

**Jacqueline Marsh,  
Planner**

**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 checked="" type="checkbox"/>	Resolution: Road Code Waiver
<input type="checkbox"/>	Policy Discussion
<input type="checkbox"/>	Work Session Discussion Item
<input type="checkbox"/>	Other:

**PUBLIC HEARING HISTORY:**

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

Introduced Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

**TITLE: RC-41**

RC-41: Resolution of the Mayor and City Council Granting Approval of Road Code Waivers for a Reduced Road Section Widths and Cul-de-Sac Radii for the Rashidian Estates Development, Site Plan SP-04-0007

**SUPPORTING BACKGROUND:**

Matt Smith, of S & S Planning and Design, has submitted this application for a road code waiver to the City of Gaithersburg for reduced paving width and reduced turning radii for a cul-de-sac for the Rashidian Estates development, located on Central Avenue. This subdivision was approved by the Mayor and City Council via concept site plan CSP-01-002 and by the Planning Commission via site plan SP-04-007 on September 19, 2007.

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". The applicants are proposing to reduce the lane paving width of Central Court, which will provide access to four residential dwelling units. The applicant is also requesting approval to reduce the required turning radius for the cul-de-sac in order to avoid encroachment into the stream valley buffer and wetlands that border this development. The City of Gaithersburg uses the Montgomery County standard for cul-de-sacs, which is a 43-foot circle radius. The applicant is proposing a modified radius of 30 feet.

The waiver requests and designs have been reviewed and approved by the Department of Public Works, Parks Maintenance and Engineering, and the City Fire Marshal. Staff has enclosed a draft resolution of approval for your review.

**Attached:**

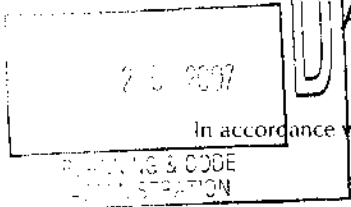
- Exhibit 1: Waiver request application
- Exhibit 2: Waiver request letter dated October 20, 2007
- Exhibit 3: Rode Code Waiver Resolution
- Exhibit 4: Site Plan

**DESIRED OUTCOME:**

Approve Resolution

# ROAD CODE WAIVER APPLICATION

Application No.	<u>RC-41</u>
Fee	<u>\$ 500.00</u>
Date Filed	<u>10-30-07</u>
P&CA Review Date	_____
DPW&E Review Date	_____
PC Review Date	_____
PC Action	_____
M&CC Review Date	_____
M&CC Decision	_____
Decision Date	_____



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

### SUBJECT PROPERTY

Subdivision 201 Road Central Court  
 Applicable Site Plan SP-04-2007 Date of Approval by Planning Commission 9/19/2007  
 Applicable Preliminary Subdivision Plan \_\_\_\_\_ Date of Approval \_\_\_\_\_

### APPLICANT

Name Mr. Shahen Tahmassian Daytime Phone ( 703 ) 850-3209  
 Street Address P.O. Box 114 Unit Number \_\_\_\_\_  
 City Great Falls State VA Zip Code 22066

### WAIVER REQUEST

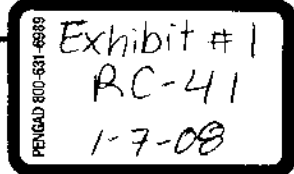
Subdivision and/or Road Central Court within Rashidian Estates Subdivision  
 Classification Residential Tertiary - RT  
 Required paving and ROW widths Required paving = 26' ; ROW width = 27.4'  
 Other required specifications Cul-de-sac radii of 43'  
 Section (code or street itself) to be waived MC-211.01, MC-222.01, & Sections 19-14 thru 19-17 City Code  
 Describe waiver request Reduce paving width to 24'; Reduce cul-de-sac radius to 30' and incorporate 'hammer-head' design in lieu of traditional cul-de-sac  
 Describe reason for requested waiver Rashidian Estates  
 Development to be served by road in question \_\_\_\_\_

### 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 10/24/07  
 Matthew V. Smith, S&S Planning and Design, LLC  
 Applicants authorized Agent





## **S&S Planning and Design, LLC**

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

### **RASHIDIAN ESTATES PROJECT REQUEST FOR ROAD CODE WAIVER VARIANCE**

**October 20, 2007**

S&S Planning and Design, on behalf of VNT Construction and Mr. Parviz Rashidian, respectively request a Road Code Waiver Variance for the proposed Central Court within the Rashidian Estates Residential Development Project. Specifically, this request is for waivers from Montgomery County Codes MC-222.01 and MC-211.01, and as amended by Sections 19-14 through 19-17, of the City of Gaithersburg standards and specifications. The right-of-way (ROW) for the proposed Central Court will be dedicated to public use and encompasses a total of 9,937 square feet (0.23-acres). This request is being made in order to be in concurrence with both the approved Concept Plan and the approved Final Development Plan. The primary and most important justification for the approval of the waiver is to avoid impacts or encroachment into the adjacent Stream Valley Buffer (SVB) and 100-year floodplain of Muddy Branch.

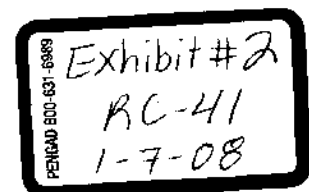
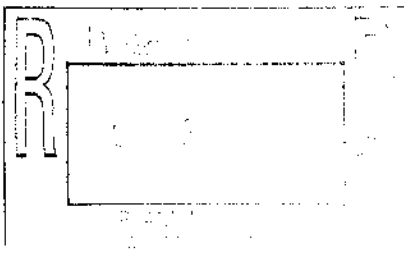
Central Court is designed as a 'Residential Tertiary' (RT) road that will provide access to four residential lots. Residential tertiary roads are defined as:

*"Low volume roads to serve residential developments in lieu of residential secondary roads, where the planning commission finds that the site development plan features are such as to render unnecessary the right-of-way width and paving width requirements for residential secondary roads."*

Due to the minimal amount of traffic that the proposed road would facilitate, the paving width and turning radii typically designed for residential tertiary roads are not as critical for adherence to the design standards.

The paving width reduction request of two feet (from 26' to 24') only reduces the paving width by one foot on each side of the paving section. The waiver request for the cul-de-sac reduces the required 43-foot circle radius to 30-feet, however, the proposed design incorporates a 'hammer-head' design that specifically avoids impacts to the SVB.

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 4.61-acre property. The Concept Plan was approved in 2002 and the Final Development Plan was approved in August 2007. The proposed road layout has been reviewed by City Planning staff, the Department of Public Works, and the Fire Marshal.



RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF THE MAYOR AND CITY COUNCIL GRANTING  
APPROVAL OF ROAD CODE WAIVERS FOR A REDUCED ROAD SECTION  
WIDTHS AND CUL-DE-SAC RADII FOR THE RASHIDIAN ESTATES  
DEVELOPMENT, SITE PLAN SP-04-0007

**RC-41**

WHEREAS, S & S Planning Design, on behalf of VNT Construction, has submitted an application for road code waivers to the City of Gaithersburg requesting a waiver of road code as follows:

**Central Court** - 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	38'
Min. Pavement Width	24'
Min. Side Width	5'
Curb and Gutter	YES
Sidewalk	YES
Parking	NONE
Cul-de-sac	30' radius

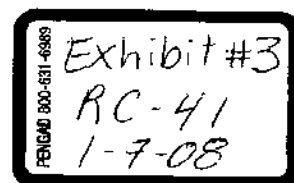
WHEREAS, the Planning Commission reviewed the Rashidian Estates Final Site Plan, SP-04-0007, on September 19, 2007, at which time they approved SP-04-0007 with eight (8) conditions;

WHEREAS, the road code waiver request is consistent with the roadway designs of the approved Final Site Plan SP-04-0007; and

WHEREAS, The City Council concurs with the Planning Commission's findings and approval of the Final Site Plan SP-04-0007; and

WHEREAS, Section 19-15 of the City Code states unless otherwise specified, all paving materials and road design criteria shall conform to the most recent Montgomery County Road Code, as amended,

WHEREAS, Section 19-15, further 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.

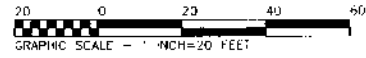
NOW, THEREFORE, BE IT RESOLVED, by the City Council of Gaithersburg, that the Road Code Waiver RC-41 is hereby approved.

ADOPTED by the Mayor and City Council this 7th day of January, 2008.

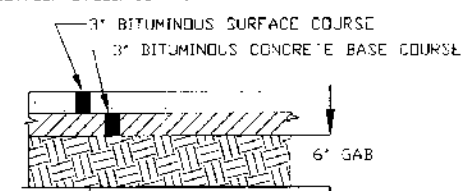
\_\_\_\_\_  
SIDNEY A. KATZ, MAYOR and  
President of the Council

THIS IS TO CERTIFY that the foregoing Resolution was adopted by the City Council in public meeting assembled on the 7th day of January, 2007.

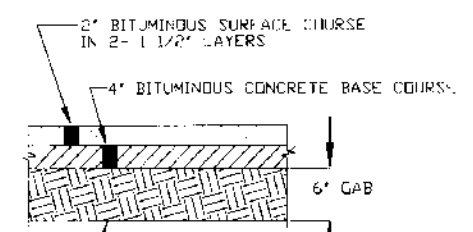
\_\_\_\_\_  
James D. Arnoult, Acting City Manager



- GENERAL NOTES:
1. ALL PERIMETERS, PAVING EDGES AND ISLANDS SHALL BE CURBED
  2. CURBS, CUTTERS, SIDEWALKS AND PAVING SHALL BE INSTALLED IN SUCH A MANNER AS TO PROVIDE POSITIVE DRAINAGE OF ALL AREAS
  3. ALL PAVING, STORM DRAINAGE, UTILITIES AND IMPROVEMENTS ON THIS PARCEL IS PRIVATE AND THE MAINTENANCE IS THE RESPONSIBILITY OF THE OWNER.
  4. GRADE ALL LOTS IN SUCH A MANNER AS TO PROVIDE POSITIVE DRAINAGE OF ALL AREAS SO THERE IS NOT ACCUMULATION OF SURFACE WATER PARTICULARLY BETWEEN DWELLINGS AND GARAGES.



TYPICAL PAVING SECTION FOR CENTRAL AVE. R.O.W. NET TO SCALE



TYPICAL PAVING SECTION FOR CENTRAL COURT & DRIVEWAYS NET TO SCALE

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.

CITY OF GAITHERSBURG  
DEPARTMENT OF PUBLIC WORKS  
PAVING MAINTENANCE AND ENGINEERING

**FINAL APPROVAL**

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

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

PERMITTEE SHALL INSTALL FOUR INCH (4") PVC, SCHEDULE 40 CONDUIT UNDER DRIVEWAY(S) FOR PEPCO CABLES. CONTACT PEPCO @ 301-670-8810 TO COORDINATE CONDUIT INSTALLATION. PERMITTEE IS RESPONSIBLE FOR DAMAGES TO EXISTING STREET LIGHT CABLES

PLEASE CONTACT MONTGOMERY COUNTY TRANSPORTATION MANAGEMENT CENTER 72 HOURS PRIOR TO ANY DIGGING TO MARK EXISTING TRAFFIC SIGNAL EQUIPMENT (240) 777-2400



PROJECT COORDINATION PROVIDED BY:

**S&S Planning and Design, LLC**  
Planning & Environmental Services  
76 Baltimore Street  
Cumberland, Maryland 21502  
301-724-7611

ROAD CODE WAIVER EXHIBIT  
**RASHIDIAN ESTATES**  
100 CENTRAL AVENUE  
GAITHERSBURG, MD 20877

**Guardian Surveying & Engineering, LLC**  
Maryland • Pennsylvania • West Virginia  
PO Box 371 • Middleburg • MD 21543  
Phone: (410) 840-2078 • Fax: (410) 840-2097

ROAD CODE WAIVER EXHIBIT  
SHEET 1 OF 1

RCW-C

SP-04-0007

Exhibit #4  
RC-41  
1-7-08

