

# MAYOR & COUNCIL AGENDA COVER SHEET

**MEETING DATE:**  
September 15, 2008

**CALL TO PODIUM:**  
**Trudy Schwarz**

**RESPONSIBLE STAFF:**  
**Trudy Schwarz, Community  
Planning Director**

**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
<input checked="" 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	08/15/2008
	08/20/2008
Hearing Date	09/02/2008
Record Held Open	09/12/2008
Policy Discussion	09/15/2008

**TITLE: CSP-04-001 POLICY DISCUSSION**

This is a proposal for an addition to an existing apartment building on a .91-acre property, known as Flowers Apartments, located at 511 South Frederick Avenue in Gaithersburg, Maryland. The proposed plan is for a nine (9)-unit addition to an existing 23-unit building on approximately 39,679 square feet of land. The subject property is located in the Corridor Development (CD) Zone.

**SUPPORTING BACKGROUND:**

The City of Gaithersburg's Corridor Development (CD) Zone requires the City Council to approve conceptual site plans. According to § 24-160G.6(c)(1)(c), the City Council may approve or deny the plan or require the submittal of a schematic development plan and return to the Council.

The owner of Flowers Apartments has requested Concept Site Plan approval of a nine-unit addition to the existing 23-unit building at 511 South Frederick Avenue. The plan includes waiver requests for the height of the building and the setback of the parking area.

The Mayor and City Council conducted the Public Hearing on September 2, 2008, and kept the record open for 10 days until September 12, 2008. There was no public testimony at the hearing and there has been no written testimony received. Concern was raised about the conceptual architectural façade facing South Frederick Avenue. The applicant has submitted a revised sketch of the architecture for the review of the Mayor and City Council. (See Exhibit #22.) The first condition of approval previously recommended has been modified to incorporate the new sketch plan.

In addition to this resolution, there are separate resolutions for the requested height and parking area setback waivers.

*Attachments:*  
*Draft CSP-04-001 Resolution*  
*CSP-04-001 Index of Memoranda and Exhibits identified in **bold***

**DESIRED OUTCOME:**

**Conduct Policy Discussion on Concept Plan CSP-04-001.**

**Draft Resolution for CSP-04-001 attached**

RESOLUTION No. \_\_\_\_\_

RESOLUTION OF THE MAYOR AND COUNCIL OF GAITHERSBURG  
GRANTING CONDITIONAL APPROVAL OF CONCEPT SITE PLAN  
CSP-04-001 FOR A NINE-APARTMENT UNIT ADDITION USE TO FLOWERS  
APARTMENTS, LOCATED IN THE CD (CORRIDOR DEVELOPMENT) ZONE, AT  
511 SOUTH FREDERICK AVENUE, GAITHERSBURG, MARYLAND.

**CSP-04-001**

OPINION

This proceeding constitutes an action pursuant to § 24-160G.6 of the Zoning Ordinance (Chapter 24 of the Gaithersburg Code), which permits the Mayor and City Council to review and approve a concept development plan in the CD (Corridor Development) Zone; and further, § 24-160G.7 in which the Mayor and City Council can approve a concept development plan only after certain findings have been made.

The subject property is located at 511 South Frederick Avenue, Gaithersburg, Maryland, in the CD (Corridor Development) Zone.

Operative Facts

A. Background

The site contains a 23-apartment unit, three-story structure and surface parking lot on 39,704 square feet (.91 acres) of land. A portion of the original site was the subject of an acquisition of right of way by the State Highway Administration in the late 1970's. The use of multiple-family dwellings is permitted in the CD Zone by right. Development, redevelopment or improvement within the CD Zone requires the submission of either a concept plan or schematic development plan. The applicant has elected to submit a concept plan application.

B. Current Application

On February 5, 2004, Augusto Tono, representing the owners of the property, OMF Contractors, Inc., submitted a concept site plan application. The application requests approval of a Concept Site Plan (CSP), located at 511 South Frederick Avenue, in Gaithersburg, Maryland. The original application requested to add 12 apartment units to the existing building and construct additional parking on approximately 39,704.43 square feet of land. The subject property is located at the northeast side of South Frederick Avenue (Route 355), across from Bohrer Park at Summit Hall Farm in the Corridor Development (CD) Zone. The owner of the property and his team met with Planning and Code Administration staff several times. A new architect, Vania Aparicio of AB Architectural Design, was hired to manage the project and a revised application was submitted for a nine-apartment unit addition to the existing 23-unit building on November 9,

2006. The owner's team continued to work with City of Gaithersburg Staff to refine the application and site plan to City Code requirements.

A public hearing was held on concept site plan CSP-04-001 on Tuesday, September 2, 2008, before the Mayor and City Council in the Council Chambers at City Hall. The hearing had been advertised in the *Gaithersburg Gazette* on August 15 and 20, 2008, the required parties given notice, and the property posted per § 24-196 of the City Code. During the course of the hearing, specific aspects of the application were commented upon. These key issues mainly concerned comparisons of the changes to the proposed and existing heights and setbacks, and architecture.

The Mayor and City Council reviewed the concept site plan submitted by the applicant. There were no speakers from the public at the hearing. The Mayor and City Council closed the record on September 12, 2008, and policy discussion was scheduled on September 15, 2008.

#### Relevant Statutory Provisions

The following statutory provisions from the City Zoning Ordinance (Chapter 24 of the City Code) are among the provisions, which define the nature of the City Council's review powers for applications in the CD Zone and the extent of the City Council's oversight.

#### **Sec. 24-160G.7. Findings required.**

\* \* \*

- (b) The City Council may approve a schematic development plan or concept plan only upon the finding that:
  - (1) The plan is substantially in accord with architectural, signage, lighting, streetscape, parking and other regulations, requirements and guidelines adopted by the City Council for the applicable corridor area; and
  - (2) The plan meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone; and
  - (3) The plan is in accord with the area master plan and any accompanying special condition or requirements contained in said master plan for the area under consideration; and
  - (4) The plan will be internally and externally compatible and harmonious with existing and planned land uses in the CD zoned area and adjacent areas; and
  - (5) The existing or planned public facilities are adequate to service the proposed development contained in the plan; and

- (6) The development staging or phasing program if any, is adequate in relation to the provision of public facilities and private amenities to service the proposed development; and
- (7) The plan, if approved, would be in the public interest; and
- (8) The existing buildings with historic significance are considered for preservation and retention pursuant to the City's Historic Preservation Ordinance.

### C. Evaluation and Findings

The City Council, upon careful review of the evidence of record, agrees with the findings, conclusions and the recommendation for approval of concept site plan CSP-04-001 by City staff. The City Council finds those recommendations to be well reasoned and adopts and incorporates their findings as part of this action. The City Council further agrees with the City staff in that the procedures governing the concept site plan for the CD Zone and approvals necessary to seek building permits are subject to a multiple-step process and that this is only one of several steps of the process that subsequently includes Amendment to Final Site Plan reviews and approvals by the Planning Commission.

In reviewing the subject application for the approval of Concept Site Plan CSP-04-001, the City Council finds that the application and development proposal meets or accomplishes the purposes, objectives, and minimum standards and requirements of the CD Zone that are set forth in Chapter 24 (Zoning) Article III, Division 19 of the City Code.

The City Council finds that the application meets the submission requirements and the standards and requirements for approval of the subject concept site plan, as set forth in § 24-160G.6(b).

The City Council has reviewed Conceptual Plan CSP-04-001 per § 24-160G.7(b) to determine whether to approve the concept plan. The City Council finds that:

1. The plan is substantially in accord with the requirements and guidelines of the Frederick Avenue Corridor Master Plan. The proposed plan complies with the purposes of the CD Zone by placing the proposed addition in the location suggested by the 2001 Frederick Avenue Corridor Special Study Area Master Plan and the associated Design Guidelines. The architectural design and the streetscape are being upgraded and brought the building closer to Frederick Avenue;

2. The plan meets and accomplishes the purposes, objectives and minimum standards and requirements of the zone. The CD Zone encourages additions to underutilized properties along the corridor. The project will enhance an underutilized piece of property by adding more housing without loss of existing units;
3. There are no special requirements or conditions for this site in the 2001 Frederick Avenue Corridor Special Study Area Master Plan and the associated Design Guidelines;
4. The plan will be internally and externally compatible and harmonious with the existing land uses in the CD zoned area and adjacent areas in terms of nature and density of use. The proposed development will be of similar height to adjoining properties making it harmonious to the neighborhood. The master plan recommends residential uses and the property currently abuts other multiple-family dwelling uses;
5. The property is currently serviced by adequate public facilities and the small size of the addition does not create a need for additional public facilities that would be a burden to the existing infrastructure of facilities. The existing or planned public facilities are adequate to service the proposed development contained in the plan;
6. There is no development staging or phasing required for the proposed concept plan. Due to the smaller scope of the project, staging of the development will not be required. This project, however, will require construction staging within the site so as not to disrupt the access to the occupied units;
7. This project, which was specifically discussed as part of the 2001 Frederick Avenue Corridor Special Study Area Master Plan, will be in the public interest. The project will fulfill City objectives by maintaining an affordable housing component and not reducing the number of existing units. This project will provide a larger tax base for the City to generate additional revenue that can help support a wider array of public programs, services, and improvements; and
8. The existing building has not been found to have any historical significance. Therefore, this finding is not applicable to this specific application.

### Conclusion

Upon consideration of all the evidence pertaining to Concept Plan CSP-04-001, the City Council concludes that the applicant meets the requirements of the CD Zone and the 2001 Frederick Avenue Corridor Special Study Area Master Plan and the associated Design Guidelines, with the following conditions:

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Gaithersburg, on the 15th day of September, 2008, that Concept Plan CSP-04-001 is hereby approved pursuant to § 24-160G; subject to the following conditions:

1. Applicant is to incorporate the revised southwest architectural elevations (Exhibit #22) with the signature set of Concept Site Plan drawings; and submit final architectural drawings at the time of Amendment to Final Site Plan application to be approved by the Planning Commission;
2. Applicant shall obtain necessary Height and Parking Setback Waivers in conjunction with the concept approval;
3. Applicant is to obtain a three-foot waiver of width of the parking module from the Planning Commission prior to the issuance of any permits;
4. Applicant is to obtain an easement for construction and maintenance of the retaining wall on the southeast property line from the adjoining property owner prior to the issuance of any permits;
5. Applicant is to install a sprinkler system in the existing building within five years after the building permit has been issued for the addition; and
6. Applicant to receive approval of a stormwater management connection from State Highway Administration prior to an amendment to final site plan approval.

ADOPTED by the City Council of the City of Gaithersburg on the 15th day of September, 2008.

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SIDNEY A. KATZ, MAYOR and  
President of the Council

THIS IS TO CERTIFY that the foregoing Resolution was adopted by the City Council in a public meeting assembled on the 15th day of September, 2008.

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James D. Arnoult  
Acting City Manager

INDEX OF MEMORANDA  
**CSP-04-001**

- | No. | Exhibit  |
|-----|--|
| 1)  | Mayor and City Council Cover Sheet   |
| 2)  | Staff Report for CSP-04-001  |
| 3)  | Application for Concept Site Plan, filed February 5, 2004  |
| 4)  | Receipt for Application Fee  |
| 5)  | Revised Application for Concept Site Plan, filed November 9, 2006                                  |
| 6)  | Location Map of CSP-04-001   |
| 7)  | LEED Version 2.1 Project Checklist   |
| 8)  | Letter from Thomas Lanigan (7-3-07) re: Easement to Build Retaining Wall                           |
| 9)  | Letter from Mr. Flores, OMF (2-22-08) re: Request of a Waiver for Parking Setback                  |
| 10) | Letter from Mr. Flores, OMF. (2-22-08) re: Request of a Waiver for Parking Module                  |
| 11) | Letter from Mr. Flores, OMF (10-3-07) re: Phasing of development of Flowers Apartments             |
| 12) | Letter of Fire Marshal Humberson to Ms. Aparacio (3-28-07) re: Sprinkler System                    |
| 13) | Letter from Mr. Flores, OMF (5-16-07) re: Agreement to Install Sprinkler System                    |
| 14) | Letter from Mr. Flores, OMF. (2-22-08) re: Request of a Waiver for Building Height with attachment |
| 15) | Letter from State Highway Administration (SHA) dated 1-12-07                                       |

- 16) Email, dated 8-20-08, from Bruce Crispell to Trudy Schwarz re: Student Projections
- 17) Letter from WSSC dated 10-5-07
- 18) Letter to *Gaithersburg Gazette* dated August 12, 2008, requesting a Legal Ad for August 15 and 20, 2008, issues. Fax and email printed communications of same
- 19) Notice of the September 2, 2008, Public Hearing as sent to interested parties on August 14, 2008 and labels for people notified
- 20) Certified copy of the Notice of Public Hearing as it appeared in the August 15 and 20, 2008, issues of the *Gaithersburg Gazette*
- 21) Addition to Flowers Apartment Plans

G-100 Cover Sheet  
 C-101 Existing Site Plan  
 C-102 Civil Site Plan  
 C-103 Sediment Control Plan  
 C-104 Storm Water Plan  
 C-105 Retaining Wall plan & Detail  
 C-106 Approved Natural Resource Inventory  
 C-108 Forest Conservation Plan  
 C-109 Forest Conservation Plan Notes & Details  
 C-111 Conceptual Landscape Plan  
 C-701 Sediment Control Notes & Details  
 C-703 Stormwater Notes & Details  
 C-704 Infiltration Trench Notes & Details  
 C-705 Retaining Wall Notes & Details  
 A-001 Existing Site Plan/Proposed Architectural Site Plan  
 A-002 Enlarged Site Plan (Addition Only)  
 A-003 Parking Lights  
 A-101 Floor Plans and Elevations  
 A-201 Existing Elevations

-----Public Hearing-----

- 22) **E-mail, dated September 10, 2008, from Vania Appraccio, AB Architects, with attached Architectural Elevations of the southwest elevation facing South Frederick Avenue**

## Trudy Schwarz

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**From:** AB Architectural Design, INC. [vaparicio@ab-archdesign.com]  
**Sent:** Wednesday, September 10, 2008 10:22 AM  
**To:** Trudy Schwarz  
**Cc:** 'Will Gonzalez'  
**Subject:** Flowers Apartment - SW Elevation  
**Attachments:** Proposed\_SW\_Elev\_091008.pdf

**Expires:** Monday, March 09, 2009 12:00 AM

Dear Ms. Trudy,

In response to the comments made by the Mayor and City Council and after reviewing the architectural facades of Fairfield, on behalf of our client, OMF Contractors, we would offer the proposed changes to the architectural elevations facing South Frederick.

Sincerely,

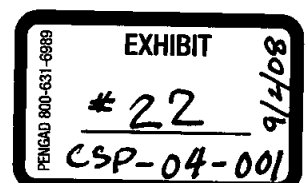
Vania Aparicio, AIA

**AB** Architectural Design, Inc.

Tel:301-219-2144

Fax:301-560-2310

[www.AB-Archdesign.com](http://www.AB-Archdesign.com)



# FLOWERS APARTMENT

511 S. FREDERICK AVE.  
GAITHERBURG, MD

ARCHITECTS



**AB** ARCHITECTURAL DESIGN, INC.

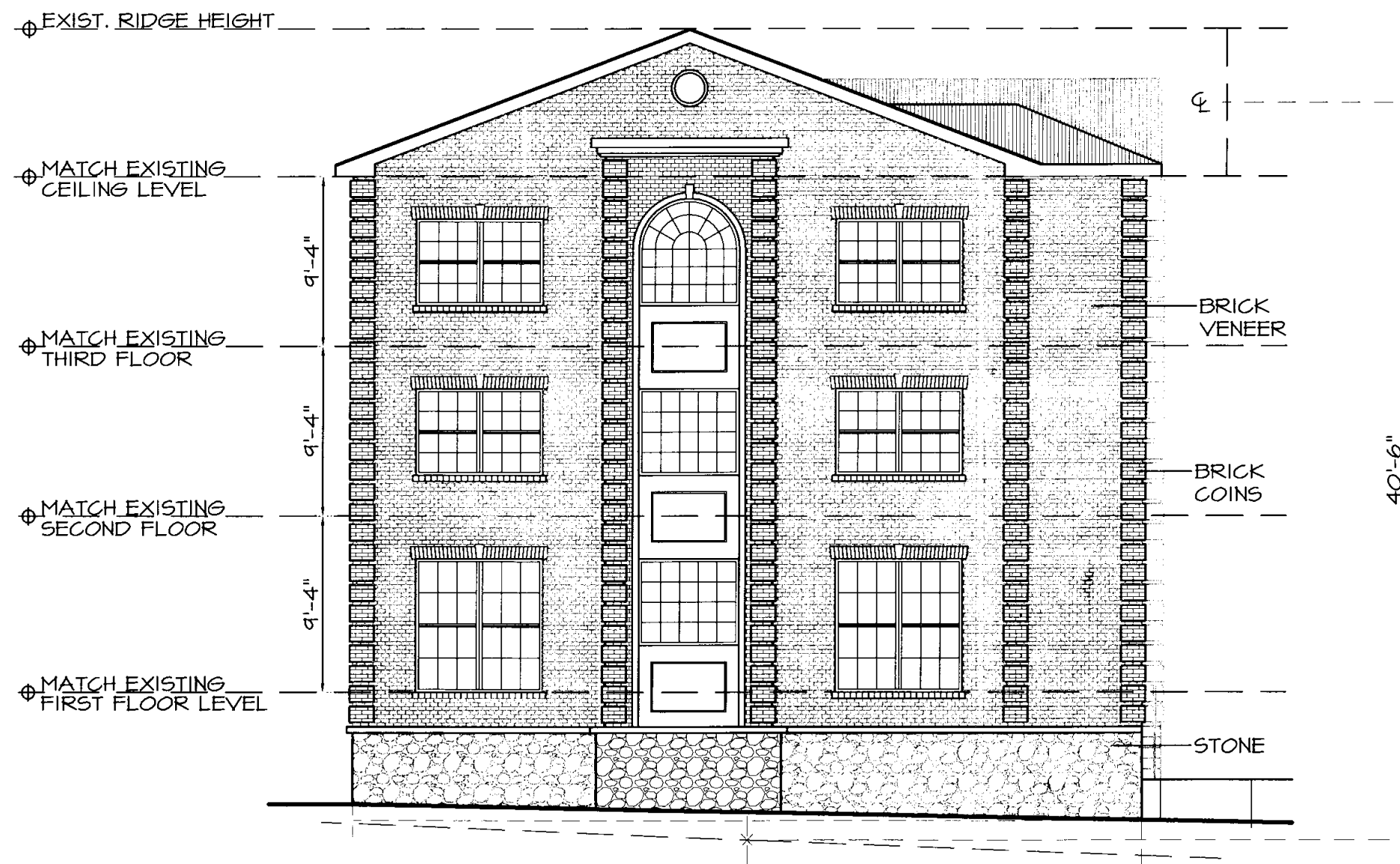
7607 LOMAX LANE

BELTSVILLE, MD 20705

TEL.: 301-219-2144

FAX.: 301-560-2310

WWW.AB-ARCHDESIGN.COM



## PROPOSED SOUTH WEST ELEVATION

(ELEVATION FACING S. FREDERICK AVE. SIDE) SCALE: 1/8" = 1' - 0"

ISSUE FOR:

PROJECT No.:

REVIEW BY:

VANIA APARICIO, AIA

NAME:

SOUTH WEST ELEVATION

SHEET No.

**SK-1**