

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 HEIGHT WAIVER
POLICY DISCUSSION**

Height Waiver CSP-04-001 for an addition to an existing apartment building, known as Flowers Apartments, located at 511 South Frederick Avenue in Gaithersburg, Maryland. 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. The owner of Flowers Apartments, OMF Contractors, is proposing an addition to the existing building at 511 South Frederick Avenue. The Mayor and City Council conducted the Public Hearing on CSP-04-001 on September 2, 2008 and kept the record open for 10 days until September 12, 2008.

As part of the proposed concept site plan, the applicant is requesting a height waiver from the Mayor and City Council of 5.5 feet of the 35-foot allowable height of buildings in the Residential District to allow the building to be 40.5 feet in height. This waiver is needed due to the topography of the site, the first floor elevation of the existing building, and accessibility needs for the addition. In order to keep the addition level with the existing building, the foundation wall facing South Frederick Avenue is exposed, which adds height to that end of the building. The waiver may be granted concurrently with the Concept Site Plan.

Attachments:
Draft CSP-04-001 Height Waiver Resolution

DESIRED OUTCOME:
**Conduct Policy Discussion on CSP-04-001
Height Waiver.**

Draft Resolution attached

RESOLUTION No. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL GRANTING APPROVAL OF A 5.5-FOOT HEIGHT WAIVER OF THE 35-FOOT BUILDING HEIGHT REQUIREMENT IN THE RESIDENTIAL DISTRICT TO ALLOW THE BUILDING TO BE 40.5 FEET IN HEIGHT [§ 24-160G.4 (A)(1)], AS PART OF CONCEPT SITE PLAN CSP-04-001, KNOWN AS FLOWERS APARTMENTS, AT 511 SOUTH FREDERICK AVENUE IN GAITHERSBURG, MARYLAND, FOR A NINE (9)-UNIT ADDITION TO AN EXISTING 23-UNIT BUILDING ON APPROXIMATELY 39,704.43 SQUARE FEET OF LAND ZONED CORRIDOR DEVELOPMENT (CD)

WHEREAS, on *February 22, 2008*, OMF Contractors, Inc., the Applicant of Concept Site Plan (CSP) application CSP-04-001, filed a request for Height Waiver, with accompanying Justification Statement, pursuant to § 24-160G.5(a)(1)-(3); and

WHEREAS, to accomplish the proposed design of the multiple-family building addition included in the application, the applicant is seeking a height waiver from the Mayor and City Council of *5.5 feet of the 35-foot allowable height of buildings in the Residential District to allow the building to be 40.5 feet in height*; and

WHEREAS, under § 24-160G.5.(a)(1) of the City Code, the City Council may, by resolution, waive building and structure height requirements for a residential district project, allowing a height not to exceed four (4) stories, or forty-eight (48) feet if the Mayor and Council make the find that: 1) the applicant will provide either on-site or off-site public amenities to further enhance the corridor development zone and the purposes of the CD zone; 2) the additional height is necessary to implement the master plan and a specific corridor plan for Gaithersburg, or attract an appropriate and compatible type or caliber of user; and 3) the additional height will be compatible with existing and proposed adjacent land uses and would not detrimentally impact those uses or public facilities serving a specific corridor; and

WHEREAS, the City Council heard testimony on the application as part of the public hearing on the CSP-04-001, held September 2, 2008; and

WHEREAS, the City Council received the recommendation of approval from the Planning and Code Administration staff on September 2, 2008; and

WHEREAS, the City Council has reviewed all testimony and evidence submitted into the record:

NOW THEREFORE, in accordance with § 24-160G.5 of the City's Zoning Ordinance, the Mayor and City Council hereby finds as follows:

1. The applicant will provide either on-site or off-site public amenities to further enhance the corridor development zone and the purposes of the CD zone.

The applicant has proposed a number of enhancements to the existing property as part of CSP-04-001. The applicant will be providing off-site improvements with a wider sidewalk and street trees along South Frederick Avenue, which will improve the pedestrian corridor of the area. They will also be granting a Public Utility Easement for future utilities.

2. The additional height is necessary to implement the master plan and a specific corridor plan for Gaithersburg, or attract an appropriate and compatible type or caliber of user;

The proposed addition is in conformance with the 2001 Frederick Avenue Corridor Special Study Area Master Plan and this height waiver is necessary in order to integrate the physical needs of the site and the proposed project. The additional 5.5 feet in height will be lower than the existing apartment buildings at the Gaither House to the northwest, and will be similar to Lakeside Apartments to the southeast. The height will match the ridgeline of the existing building.

3. The additional height will be compatible with existing and proposed adjacent land uses and would not detrimentally impact those uses or public facilities serving a specific corridor.

This project demonstrates compliance with all required Adequate Public Facility Ordinance (APFO) standards required by the City of Gaithersburg and outlined in the Staff Report. The additional height for the Flowers Apartments project will not have an adverse effect on adjacent properties or on the character of the corridor. The north and south sides of the property are bordered by other multiple-family land uses. The units to the northwest are higher than the existing and proposed buildings due to existing topographical conditions. The additional height would have no negative impacts upon the single-family units to the east due to its location on the western side of the property. This application may in fact spur new redevelopment within the residential section of the Frederick Avenue Corridor.

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

James D. Arnoult
Acting City Manager