

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 PARKING LOT
SETBACK WAIVER POLICY DISCUSSION**

Parking Lot Setback 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 waiver of 13 feet of the required 20-foot Parking Lot Setback from the Mayor and City Council [§ 24-160G.4(e)(1)], for the proposed parking setback behind the front of the building line. This waiver is needed because the building could not be brought to the property line due to the public utility easement (PUE). Additionally, the parking lot had to be expanded to a distance of 18 feet from the property line in order to accommodate the number of parking spaces for the additional units, as called for in the Zoning Ordinance. The waiver may be granted concurrently with the Concept Site Plan.

Attachments:
Draft CSP-04-001 Parking Lot Setback Waiver Resolution

DESIRED OUTCOME:

**Conduct Policy Discussion on CSP-04-001
Parking Lot Setback Waiver.**

Draft Resolution attached

RESOLUTION No. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL GRANTING APPROVAL OF A 13-FOOT WAIVER OF THE 20-FOOT SETBACK REQUIREMENT FOR OFF-STREET PARKING FROM BEHIND THE FRONT BUILDING LINE [§ 24-160G.4.(E)(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 a Parking Setback Waiver, with accompanying Justification Letter, pursuant to § 24-160G.5(b)(1)-(3); and

WHEREAS, to accomplish the proposed design of the multiple-family building addition included in the application, the applicant is seeking a parking setback waiver from the Mayor and City Council of *13 feet of the 20-foot allowable setback of parking behind the front of a building line requirement in the Corridor Development (CD) zone for expansion of the floor area of a building by at least 30 percent*; and

WHEREAS, under § 24-160G.5.(b) of the City Code, the City Council may, by resolution, waive setback requirements of the CD zone if the Mayor and Council find that: 1) with 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 reduced setback 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 reduced setback will not detrimentally impact light and air to adjacent buildings; and

WHEREAS, the City Council heard testimony on the application as part of the public hearing on 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 reduced setback is necessary to implement the master plan and a specific corridor plan for Gaithersburg, or attract and 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. Because of the requirement of the Public Utility Easement (PUE), the building could not be brought to the property line and, in order to comply with parking requirements for the number of units as called for in the Zoning Ordinance, the proposed parking lot was expanded to a distance of 18 feet from the property line. Additionally, this building addition may, in fact, spur new redevelopment within the residential section of the Frederick Avenue Corridor.

3. The reduced setback will not detrimentally impact light and air to adjacent buildings.

Because this is a waiver of the setback of a parking area there will be no impact to the light and air of the adjacent building. The setback for the Flowers Apartment addition 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 reduced setback would have no negative impacts upon the single-family units to the east due to its location on the western side of the property. .

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. Arnout
Acting City Manager