



**MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION  
OCTOBER 17, 2007**

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Chair John Bauer called the meeting to order at 7:30 p.m. Present at the meeting were Vice-Chair Lenny Levy, Commissioners Matthew Hopkins, Lloyd Kaufman, and Danny Winborne, Planning and Code Administration Director Greg Ossont, Planning Director Lauren Pruss, Community Planning Director Trudy Schwarz, Planners Jacqueline Marsh and Rob Robinson, and Recording Secretary Myriam Gonzalez. Absent: Alternate Commissioner Geri Lanier.

I. APPROVAL OF MINUTES

October 3, 2007, Planning Commission Meeting

Vice-Chair Levy moved, seconded by Commissioner Kaufman, to APPROVE the Minutes of the October 3, 2007, Planning Commission Meeting, as submitted.

Vote: 5-0

II. CONSENT

AFP-07-035	Public Works Maintenance Complex 800 Rabbitt Road 2400 Sq. Ft. Storage Building REAPPROVAL REVIEW	R-A Zone
AFP-07-031 --	Decoverly Drive Road Design Plan AMENDMENT TO FINAL PLAN REVIEW	MXD Zone
AFP-07-036	Lakeview Professional Center 507 N Frederick Ave Reuse to Medical Office AMENDMENT TO FINAL PLAN REVIEW	C-2 Zone

Vice-Chair Levy moved, seconded by Commissioner Winborne, to APPROVE the Consent Agenda.

Vote: 5-0

III. SITE PLANS

SP-07-0013	Aventiene Neighborhood 3, Phase II (Crown Farm) Fields Road 179 Residential Units FINAL PLAN REVIEW	MXD Zone
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Commissioner Hopkins recused himself from this review due to possible conflicts of interest.

Planner Robinson located the property and stated this Phase II plan for 85 single-family attached, 30 stacked two-over-two townhouse condominium, and 64 single-family detached residential units is based on the schematic development plan (SDP-06-005) of the project, approved in May 2007.

*Gregory May, KB Home*, representing the applicant, Crown Village Farm, LLC, presented colored elevations of KB Home single-family detached units, noting brick, siding, wrap around porches and some three-story homes. He stated that their architectural design is the same as in Phase I, adding that all their single-family detached units are rear loaded. He indicated that most units have double-wide full-length driveways, and, in response to Commissioner Winborne, noted there would be on-street parking on both sides of the street.

*James Finn, Ehrenkrantz Eckstut & Kuhn Architects*, presented colored elevations of KB Home townhouses, noting some rows of units are longer than others with a variety of designs. He discussed colors and materials and indicated that end units would be three-sided.

*Salvatore Benvenga, Centex Homes*, presented their townhouse elevations in a streetscape view, noting two-over-twos, and four-story units to be interspersed throughout the project. He also presented elevations of their single-family front-loaded homes, noting two to three stories, different window treatments, edges, and colors. In response to Commissioner Kaufman's inquiry about the view of the townhouse rear elevations, Mr. Benvenga noted the rears would all be siding with different window/deck/balcony treatments and colors.

*Matthew Clark, LandDesign, Inc.*, discussed aspects of the site plan relating to open space, alley screenings, landscaping, street views, and foundation landscaping, among others. In response to Chair Bauer's comment regarding the absence of plantings along Aventiense Way, Planner Robinson referenced Condition 4, noting the plan does not yet reflect their location, since that is dependent upon Washington Suburban Sanitary Commission's approval as they would be situated on their easement. Also in response to Chair Bauer, Mr. May identified the location of key lots and discussed the criteria used for choosing these lots and their architectural treatment.

There was no testimony from the public.

Mr. Robinson voiced staff's recommendation for approval, noting it meets the approval criteria in the Zoning Ordinance, subject to the applicant's compliance with conditions as listed in the Staff Comments. He explained a timing contingency issue dealt with in Conditions 12 and 13 for Commissioner Kaufman. In response to Chair Bauer, he further explained the criteria used in the identification and treatment of key lots, noting vistas, pedestrian traffic, and corner views.

Chair Bauer complimented and thanked the applicant for the completeness and quality of the colored brochure of architectural elevations provided to the Commission in the meeting informational package, noting the proposed architecture confirms the implementation of the Design Guidelines. Commissioners Kaufman and Winborne commented very favorably on the proposal, and Vice-Chair Levy added that the project would be an amenity to the City.

Commissioner Kaufman moved, seconded by Commissioner Winborne, to grant SP-07-0013 - Aventiense Neighborhood 3, Phase II, FINAL PLAN APPROVAL, finding it in compliance with Zoning Ordinance §§ 24-160D.9(c), 24-170 and 24-171, with the following conditions:

1. Applicant shall obtain final storm water management (SWM) plan approval by the Department of Public Works, Park Maintenance and Engineering (DPWPM&E) prior to the issuance of site development permits, with the exception of the issuance of rough grading permits;
2. Applicant is to work with City staff and Montgomery County Ride-On regarding the review and approval of all bus shelter locations and routes;
3. Applicant shall work with and receive design approval from WSSC for the construction of Aventiene Way, prior to the issuance of any relevant Public Works permits;
4. Landscaping along Aventiene Way is to be approved by WSSC and staff;
5. Applicant is to provide final signage, lane marking, turning radii plans, lighting plans, paving and storm drain plans, grade establishment plans, and details to be reviewed and approved by DPWPM&E prior to the issuance of Public Works permits;
6. Applicant shall submit a sign package to include, but not be limited to, entry feature signage to be approved by the Planning Commission as a future amendment to final plan;
7. Homeowner association documents and covenants, including SWM maintenance agreements, are to be reviewed by staff for approval prior to the issuance of the first Use and Occupancy approval;
8. Applicant is to submit final design of raised crosswalks and other traffic calming to be reviewed and approved by the DPWPM&E prior to the issuance of Public Works permits;
9. All workforce housing units shall be constructed and operated in accordance with the MPDU/workforce housing regulations adopted on January 16, 2007; however, the control period shall be 20 years and the purchaser may be required to tender a 10 percent deposit at time of contract execution;
10. Applicant shall work with staff to redesign Fields Road and intersecting side streets within the property to address and resolve review comments from the Montgomery County Department of Public Works and Transportation (DPW&T);
11. Applicant shall obtain from Montgomery County, review and approval of the roadway connection permits between the Montgomery County and the City portions of Decoverly and Diamondback Drives prior to the issuance of public improvement permits;

12. Block R of Aventiene Neighborhood 3, Phase I and Phase II, will not be recorded, nor any building permits for these lots issued, until a Memorandum of Understanding between the City of Gaithersburg and Montgomery County is executed confirming that Montgomery County DPW&T will not mandate that the location of the Corridor Cities Transitway be along the side of Fields Road (rather than in the median of Fields Road);
13. In the event that a Memorandum of Understanding between the City of Gaithersburg and Montgomery County, transferring the road to the City of Gaithersburg, cannot be finalized and Montgomery County DPW&T does not consent to the reconstruction of Fields Road with a 50-foot median, the applicant must work with staff to redesign Fields Road to include a 50-foot buffer between housing units in Neighborhood 3 and the Corridor Cities Transitway alignment. Such redesign may require adjusting the location of housing units in Block R. Additionally, staff may require the applicant to provide additional landscaping and an earthen berm in this location;
14. In the event that a Memorandum of Understanding between the City of Gaithersburg and Montgomery County, transferring the road to the City of Gaithersburg, cannot be finalized and Montgomery County DPW&T mandates that the Corridor Cities Transitway be located along the side of Fields Road (rather than in the median of Fields Road), any site plan or engineering plan approvals of the Block R portion of Aventiene Neighborhood 3, Phase I and Phase II, will be null and void. Furthermore, any changes to the lots, alleys, etc. within this block, apart from the current proposed configuration, will have to be taken through the schematic development plan and site plan processes as well, including a revised noise study and noise mitigation plan;
15. The construction of the LEED certified community recreation building in Neighborhood 3 shall be completed prior to the issuance of a total of 400 building permits for the residential development in Neighborhoods 2 and 3;
16. Applicant shall obtain all necessary approvals and permits from all local, county, state, and federal finding agencies prior to disturbing the stream valley buffer;
17. Applicant shall obtain all necessary approvals and permits for offsite impacts related to environmental waivers from offsite property owners and, or, Montgomery County permitting agencies prior to the issuance of City development permits; and
18. Applicant shall place all environmentally sensitive areas and forest conservation areas under a permanent conservation easement to be recorded on final subdivision plats.

Vote: 4-0

CSP-07-005 -- Archstone at Olde Towne  
320-408 East Diamond Avenue  
389 Apartment Units, and  
18,350-Sq.Ft. Retail Space  
CONCEPT PLAN REVIEW

CBD Zone

Planner Marsh located the property, noting it consists of the consolidation of seven properties to the south of the Gaithersburg Elementary School. She reported that the Historic District Commission authorized the City Manager to issue demolition permits for the structures at 320 through 408 East Diamond Avenue, with a condition that she read which included attempting to relocate the structures.

*Attorney for the applicant, Jody Kline, Esq., Miller, Miller and Canby,* stated that this project is the result of cooperation with the community, noting that one of its benefits is the improvement of the pedestrian/vehicular network in the City with the creation of a new alignment for Teachers Way, which he noted on the plan.

*Landscape architect for the applicant, Mark Bowles, Preston Partnership,* discussed the landscape project goals and streetscape development to be incorporated into the site plan, noting that one key element is a pedestrian-oriented development. He showed a rendered streetscape elevation and identified a variety of elements to achieve their goal of engaging the pedestrian, e.g., 12-foot wide sidewalks, dining opportunities, sitting areas at entrances, first-floor retail/residential uses, and corner treatments. He also noted a three-tier courtyard system, public art, and parallel parking along new Teachers Way. It was noted the utilities would be underground.

*Architect for the applicant, Douglas Campbell, Preston Partnership,* presented conceptual diagrams and streetscapes of East Diamond Avenue and Teachers Way, showing proposed block break/corner treatments, street landscaping, courtyards, a variety of building roofs and heights and noting two different types of architecture. He indicated the project will be articulating a series of blocks of residential with commercial uses to the size and height of those on the other side of the street. In response to Commissioner Kaufman, Mr. Campbell noted the proposed garage is for the public as well as for residential use and indicated the probable access point for the public near the alley off East Diamond Avenue.

Speaking from the public:

*Clark Day, 26 Walker Avenue,* voiced his support of the project, noting it would be an asset to the community.

Planner Marsh voiced staff's recommendation for approval with conditions as listed in the Staff Comments.

Chair Bauer commented very favorably on the project, particularly on the courtyard concept and the streetscape design along East Diamond Avenue with extra wide sidewalks, adding that planters/benches should be included at the pedestrian level. He suggested making the garage access more accessible to the public, unless the plan evolves into being more residentially geared, and considering a deliberate place for a bus stop. He also suggested including Victorian-style features in the design, e.g., as transitional features, and providing an attractive and engaging streetscape for Teachers Way so that the residential portion of the project in no way looks like the rear of the development. In addition, he asked for careful attention to both ends of East Diamond Avenue as gateways to Olde Towne, as well as the residential access to the garage, suggesting walkways.



Diamond Avenue, voiced concerns regarding existing problems associated with the subject parcel, i.e., storm water drainage and parking shortage. He explained the water runoff comes from the back of the subject parcel, runs across the City's lot and onto the Fliegel property. Regarding parking, he reported that the employees of the former restaurant would park on the Fliegel property rather than in the City garage. Mr. Hutt stated that his clients do not oppose the subject proposal, but do request additional conditions, which he listed, to address the drainage and parking issues.

*James Clifford, owner and occupant at 320 East Diamond Avenue*, noted that this project evidences the need for a regional or district parking strategy for Olde Towne, if redevelopment is to be successful. He noted that the subject plan could not be implemented without the existing garage behind the shopping center, and pointed out that other properties in Olde Towne have at present no parking availability on site. He concluded by noting that an additional garage for public parking is necessary for the redevelopment of Olde Towne and that a location for that purpose should be pursued.

*Vincent Berg, 15716 Buena Vista Drive, Derwood, Maryland*, civil engineer for the Fliegels, discussed the existing storm drainage conditions, noting that storm runoff drains from the subject property onto that of the Fliegels. He was concerned that the proposed plan would have a negative impact on the Fliegel property and asked that a drainage study be submitted and sediment control measures provided. He noted that his client would support a storm water management waiver as long as proper drainage is provided, noting that drainage as proposed to the front of the property would create problems along the street. He submitted written comments which also included issues relating to water discharge liability and compensation.

*Tova Fliegel, adjacent property owner*, voiced a concern over the duration of the lease agreement on the subject property. She supported fencing between the City parking lot and her property line and the request for a storm water management study of the property.

Planning and Code Administration Director Ossont referenced staff-recommended Condition 8, noting it addresses the concerns over drainage, as the City DPWPME would be working in a coordinated effort with site development staff on staging of construction and public improvements, e.g., underground utilities/drainage, since the subject parcel is surrounded by City property. Regarding parking concerns, he referenced Condition 6 and pointed out that the adjacent garage was designed to provide public parking for Olde Towne. In response to Commissioner Kaufman, Mr. Ossont briefly discussed disruptions expected on the lot while construction of public improvements takes place.

Regarding parking, Chair Bauer commented on the need for directional signage and education of the public as to the location of available parking. He stressed the need for a very detailed and carefully designed staging plan of this project for the successful redevelopment of Olde Towne.

*Engineer for the applicant, Brian Donnelly, Macris, Hendricks and Glascock*, noted that the source of the runoff problem is the City lot, adding that the City should bear the cost of resolving the issue. He also noted that it would be an economic hardship for a project with such a small building footprint to be financially responsible and disproportionate to the extent of the work needed to correct the existing problem. Mr. Blessing indicated that at this point, the applicant is not ready to ask the City to assume an economic burden. Mr. Blessing added that the applicant will work with the City on any measures to address parking availability.

Community Planning Director Schwarz voiced staff's recommendation for approval, as the plan meets the approval criteria of the City Code, with conditions as listed in the Staff Comments with one additional condition (#9), which she read. She listed the bases for staff's approval

recommendation. She reported on the supportive comments and recommendations from the Historic Preservation and Olde Towne Advisory Committees, which the Commission had received earlier in the day.

Chair Bauer voiced his support of the project with the added Condition #9. He stressed the importance of adding directional parking signage, which staff noted would be included in the parking agreement. He thanked the applicant's team for revising the building elevations in accordance with the Commission's comments at the concept review. He noted that requiring the erection of barriers/fencing to separate the parking for the Fliegel lot seems inappropriate at this point, since the resolution of outstanding storm water management and parking issues is under study with the City. Commissioner Hopkins pointed out that the proposed building is in itself an improvement to the surrounding neighborhood, with the concurrent improvement of the City's abutting property. He shared Chair Bauer's comment regarding the fencing requested by Ms. Fliegel, noting that it would conflict with the Master Plan of Olde Towne.

*Thomas Flanagan, Flanagan Architects, AIA*, in response to Chair Bauer, indicated the applicant plans to significantly increase the Leadership in Energy & Environmental Design (LEED) specifications of the plan for certification.

Vice-Chair Levy commented on his previous concerns regarding this project, noting that they had been addressed by the revised building design presented this evening and by the proximity of the Archstone project in terms of building height, since the latter has higher buildings.

Vice-Chair Levy moved, seconded by Commissioner Winborne, to grant SP-07-0015 - 201 East Diamond Avenue, PRELIMINARY/FINAL PLAN APPROVAL, finding it in compliance with City Code §§ 20-11 and 24-170, with the following conditions:

1. Applicant is to underground all utility connections to the building prior to the issuance of occupancy permits;
2. Applicant is to revise the architectural plans to locate an inset for the placement of a gas meter, prior to the issuance of any building permits;
3. Applicant is to revise the plans to add details about the sidewalk, sidewalk transition and accessibility needs for review and approval by staff and the DPWPM&E, prior to the issuance of any permits;
4. Applicant is to revise the south elevation to clarify the materials to be used, prior to the issuance of a building permit;
5. Applicant is to place a plaque recognizing the significance and history of the building on the building prior to bond release of the site development permit;
6. Applicant shall negotiate and execute a parking agreement for 56 spaces with the City Manager's Office prior to the issuance of site development permits;

7. Prior to the issuance of the site development permits, the applicant is to have the forest conservation plan approved by Environmental Services and Planning staff;
8. Applicant shall finalize construction and staging plan in conjunction with all other public improvements with the DPWPM&E and Planning and Code Administration staff prior to the issuance of site development permits; and
9. Applicant is to work with staff and the Art in Public Places Committee to explore opportunities for public art on the elevation identified as the South Elevation (which faces North Summit Avenue).

Vote: 5-0

#### IV. FROM THE COMMISSION

##### Commissioner Winborne

1. Praised the quality of the presentations at the Kentlands Boulevard Charrette and the Planning staff for organizing the event.
2. Thanked Planning Director Pruss for following up on inquiries of the Commission.
3. Recommended investigating recently-identified dangerous intersections in the City, such as the Quince Orchard/Firstfield Roads intersection and implementing safety measures.

##### Commissioner Hopkins

Recommended conducting a parking/pedestrian analysis of Olde Towne to develop a regional parking strategy. Vice-Chair Levy noted that as the area redevelops, people would park at one location for several destinations.

##### Vice-Chair Levy

Noted that since sidewalk work will be taking place throughout Olde Towne due to its redevelopment, the corner of East Diamond and Summit Avenues, by the brew pub, needs improvement.

##### Commissioner Kaufman

Commended City staff and Public Works, in particular, for the October Fest held in the Kentlands, noting the event and the clean up afterwards were of the utmost efficiency.

##### Chair Bauer

1. Referenced Commissioner Hopkins's and Vice-Chair Levy's comments on the parking issues at Olde Towne in light of the upcoming redevelopment projects and requested the Commission be furnished with the Olde Towne Master Plan for their review.
2. Commented favorably on the Kentlands Boulevard Charrette. Planning and Code Administration Director Ossont provided an overview of the work to follow.

V. FROM STAFFPlanning and Code Administration Director Ossont

Reported on the City Council's approval of a resolution referencing the possible realignment of the Corridor City Transitway (CCT) and provided a projected time line of the processes associated with the Kentlands Boulevard Commercial District Special Study Area of the Master Plan.

Planning Director Pruss

Historic Designation of England/Crown Farm Buildings

Referenced her memorandum to the Commission regarding the above-referenced buildings, located in Aventiene Neighborhood 4, noting that staff is requesting the Planning Commission sponsor the application for historic designation.

Commissioner Kaufman moved, seconded by Commissioner Hopkins, to initiate the historic designation process for the England/Crown Farm Buildings.

Vote: 5-0

Community Planning Director

Listed the upcoming regular meetings of the Commission for November and December, and announced a joint public hearing on Z-307 is scheduled for November 19, 2007.

VI. ADJOURNMENT

There being no further business to come before this session, the meeting was duly adjourned at 10:10 p.m.

Respectfully submitted,

M. Gonzalez  
Recording Secretary