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DRAFT

MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION MAY 21, 2008

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, Alternate Commissioner Geri Lanier, 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. Since all Commissioners were present, Alternate Commissioner Lanier did not actively participate in any but two of the items reviewed this evening, as noted below.

I. APPROVAL OF MINUTES

May 7, 2008, Planning Commission Meeting

Vice-Chair Levy moved, seconded by Commissioner Kaufman, to APPROVE the Minutes of the May 7, 2008, Planning Commission Meeting as submitted.

Vote: 4-0-1 (Abstained: Hopkins)

II. CONSENT

PI-B080298 -- H&M Cosmetic Dentistry
2 Maryland Avenue
Icon Sign
SIGN PERMIT REVIEW

R-B Zone

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

Vote: 5-0

III. RECOMMENDATIONS TO MAYOR AND COUNCIL

Z-307 -- Linowes & Blocher for Hearthstone Communities, LC and Opus East, LLC

Application to rezone a 6.58-acre parcel, known as the Summit Center (Parcel N182), located in the northeast quadrant of Goshen Road and Girard Street at 559 Girard Street, Gaithersburg, Maryland, from the existing C-2 (General Commercial) Zone to the MXD (Mixed Use Development) Zone, in accordance with § 24-196 of the City Code. The property is adjacent to Hidden Creek Land Bay III. The sketch plan proposes seven 3-to-5-story residential structures containing a range of 300 multiple-family dwelling units, up to 20,000 square feet of commercial/retail space, and structured parking

Community Planning Director Schwarz located the property and identified the surrounding land uses on an aerial photograph. She indicated the subject proposal was modified from the initial submittal by a reduction in the unit count. Mrs. Schwarz provided a brief overview of the

proposal, referenced the Staff Analysis of this application and listed the bases for its recommendation of approval with conditions. She also reviewed the conditions that had been revised after the Staff Analysis was prepared and answered questions of Chair Bauer regarding Conditions 1 and 3 and the sketch plan.

Chair Bauer recommended a language modification to Condition 1 for clarification purposes. Chair Bauer noted that topics relating to affordable housing provisions raised at the public hearing and in correspondence from the public are not within the Commission's purview and would be addressed by the City Council. The Commission concurred with staff's recommendations and Chair Bauer's modification to Condition 1 and moved as follows:

Vice-Chair Levy moved, seconded by Commissioner Hopkins, to recommend to the City Council APPROVAL of Z-307, Summit Center, with the following conditions:

1. Future development of the site shall include 20,000 square feet of commercial-retail-office; a limit of 8,000 square feet of the 20,000 square feet shall be used for the apartment management office and tenant amenities;
2. Future development of the site shall include up to 300 residential units in structures three to five stories in height;
3. At the submission of schematic development plan application, the applicants shall provide plans with heights of buildings in accordance with the letter from Barbara Sears and Yum Yu Cheng, Linowes and Blocher, dated April 29, 2008 (Exhibit #126);
4. The applicants shall maintain the setbacks established on both the Illustrative and Sketch Plans (Exhibits #130, #140 and #141);
5. The applicants shall provide parking in a combination of above and below grade structures, plus surface parking. A minimum of 90 percent of parking exclusively for retail and residential use must be in structures. Parking calculations and aisle widths are to be in accordance with the City of Gaithersburg Code;
6. The applicants shall construct Cedar Spring Street to its full two-way width as shown on Site Plan SP-03-0008 before the issuance of any building permit for the development;
7. The applicants shall meet storm water management (SWM) quantity and quality requirements onsite and obtain approval of a concept SWM plan, which would include stream mitigation at the area of outfall, prior to schematic development plan approval;
8. The applicants shall work with staff to comply with the Residential Green Code requirements and provide

- Energy Star appliances and other features, such as windows, etc.;
9. The applicants shall submit and have approved a forest conservation plan showing required afforestation to be met onsite prior to the approval of the schematic development plan;
 10. Prior to the submission of the schematic development plan, the applicants shall submit and receive approval of a noise study by the Environmental Services Division;
 11. Applicants are to provide a schedule of sound mitigation measures in accordance with an approved noise study prior to the submission of final site plan;
 12. Prior to the approval of the schematic development plan, the applicants shall receive conceptual approval of a utility plan by PEPCO, Verizon and Washington Gas and the Department of Public Works in writing;
 13. Prior to the recordation of any final subdivision (record) plats, the applicants shall acquire Outlot A, Block G of Hidden Creek Land Bay III, Section 2 (Plat No. 22978), and combine the outlot with the main lot;
 14. Prior to the submission of final site plan, the applicants shall submit letters affirming the applicants' ability to grade and construct improvements and obtain necessary public right of way on Outlot C, Section Two, Woodwinds Park (Plat No. 9589);
 15. The applicants, at the time of submission of schematic development plan, shall provide a road improvement plan for Girard Street, including its intersection with Goshen (North Summit) Road, in accordance with the approved traffic impact study, to both the City and Montgomery County Department of Public Works and Transportation for review and receive approval of the plan prior to final site plan approval
 16. Applicants are to complete a road improvement plan for Girard Street prior to the approval of the final use and occupancy inspection of the residential units;
 17. Applicants shall work with City staff and Montgomery County Ride-On regarding the relocation of both the western bus stop and eastern bus shelter within Girard Street public right of way and install a new bus shelter or provide funding not to exceed \$10,000.00 for the western bus stop;
 18. Applicants are to provide design guidelines for the project in accordance with Zoning Ordinance §§ 24-

22.3 and 24-160D.13, at the time of application for schematic development plan; and

19. Applicants are to participate in the Art in Public Places program and designate a site for the art at the time of schematic development plan approval.

Vote: 5-0

SDP-06-006 -- Crown Village Farm, LLC c/o KB Homes

Application for approval of the schematic development plan (SDP), per Annexation X-182 and Sketch Plan Z-310, known as the Crown Property Neighborhood 1 (Parcels 445 and 600) in Gaithersburg, Maryland. The proposed plan proposes a mix of uses, including 78 town homes, 50 two-over-two units, 760 multi-family units, 18 live/work units, and 300,000 square feet of future commercial uses on approximately 38.6 acres of land. The subject property site is bordered by Fields Road and Sam Eig Highway

Commissioner Hopkins recused himself from this review due to possible conflicts of interest and Alternate Commissioner Lanier participated instead.

Planner Robinson stated this application is the second SDP associated with the Crown Farm, i.e., SDP-06-005 for general infrastructure and Neighborhoods 2 and 3, approved in May 2007, and the subject application, which was the subject of a joint public hearing in April 2008 and for which the Commission's record has closed. He presented an overall Crown Farm plan, located the site, and briefly reviewed the subject proposal, adding that included in the plan are the request for road code waivers, in accordance with the annexation agreement, and the submission of design guidelines specific for Neighborhood 1.

Mr. Robinson referenced the Staff Analysis of the application, indicating the plan meets the approval criteria of Zoning Ordinance § 24-160D, subject to conditions which he listed noting they contained revisions from the version listed in the Analysis. Mr. Robinson answered questions of Chair Bauer and Commissioners Kaufman and Winborne relating to site access, internal/external traffic circulation, street widths and road code waivers. He noted on the plan a hierarchy of streets, the site entrances as well as access to loading areas and garages. Chair Bauer voiced a concern that the street hierarchy plan does not clearly reflect left-turn movements into Neighborhood 1 from Sam Eig Highway and asked that the site entrance exhibit be clarified.

In response to Commissioner Winborne's concern over the need for road code waivers, Planning and Code Administration Director Ossont noted that the current road code has been in effect for over 40 years and the type of development proposed cannot be built to the old standards. Mr. Ossont additionally pointed out the plan's main streets are proposed with extra wide sidewalks, adding that the City Department of Public Works had reviewed the plan to ensure the appropriate streets are sufficiently wide to accommodate big truck maneuvers.

Commissioner Kaufman moved, seconded by Commissioner Winborne, to recommend to the City Council APPROVAL of SDP-06-006, Crown Property – Neighborhood 1, finding it in compliance with Zoning Ordinance § 24-160D.10, with the following conditions:

1. Applicant shall obtain concept storm water management (SWM) approval prior to rough grading permits;

2. Applicant shall obtain all necessary road code waivers for Neighborhood 1 before final site plan approval for Neighborhood 1;
3. Applicant shall obtain final landscape plan approval by City staff before the issuance of site development permits, with the exception of rough grading permits;
4. Applicant is to work with City staff and Montgomery County Ride-On regarding the review and approval of all bus shelter locations;
5. All decorative paving in public right-of-ways is to be reviewed and approved by the Department of Public Works (DPW) before final site plan approval;
6. The Applicant may begin construction of the retaining wall associated with SWM Pond 1 during rough grading of Neighborhoods 1 and 2 in order to support Diamondback Drive extended;
7. Prior to the issuance of rough grading permits, the Applicant shall receive consent from DPW for all SWM Pond 1 final engineering, including retaining walls and associated storm drains;
8. Final signing, lane marking, turning radii plans, lighting plans, paving and storm drain plans, grade establishment plans, and details are to be reviewed and approved by DPW before the issuance of Public Works permits;
9. Construction of 80,000 square feet of commercial/retail development in Neighborhood 1 must be commenced by the issuance of the 470th building permit in Neighborhoods 1, 2, and 3;
10. Construction of the Community Recreation Building in Neighborhood 1 shall commence before the issuance of any building permit for residential development in Neighborhood 1 that brings the total number of units in Neighborhood 1 for which building permits have been issued to 565 units or more;
11. Applicant shall obtain Montgomery County approval for temporary drainage from County right-of-ways for each Neighborhood, as defined by Sketch Plan Z-310, prior to the issuance of rough grading permits and Montgomery County approval for permanent drainage from County right-of-ways for each Neighborhood, as defined by Sketch Plan Z-310, before the issuance of Public Works permits;
12. Applicant shall comply with all applicable Environmental Waiver conditions before the issuance of rough grading permits;

however, that all had been included in the Commission's informational packets. He noted, in particular, the roof treatments, different bay windows, gables, three-story and four-story units, as well as moderately priced dwelling units (MPDU). Regarding the latter, he indicated they would not be easily distinguishable from the others. He added that there are no basements proposed.

Landscape architect for the applicant, Matt Clark, Land Design, presented and discussed the open space and landscape plan, as well as streetscapes, alley treatments, foundation plantings and landscape materials. He discussed, in particular, the 1.3-acre central green area, linear parks, passive green areas, and two plazas, one at each end.

Architect for the applicant, Rosanna Torres, BMI Architects, presented the Centex Homes' proposed architectural elevations for three-story and four-story cottages, noting trims, roof terraces, brick, stone and cementitious board, and no basements. Also discussed were the single-family home designs that included porches, terraces, balconies and different roof designs and materials. Regarding the townhouses, she noted they have no basements. She noted the locations of all the units, adding that the cottages would blend with the other housing types.

There was no testimony from the public.

Planner Robinson noted the plan complies with the approval criteria of the Zoning Ordinance, with conditions. He listed the conditions that had been revised after the Staff Analysis was prepared.

Chair Bauer enthusiastically supported the proposed architecture. He inquired further about Mr. May's comment on the slope of the central green. Mr. May noted the two percent grade difference is minimal and needed to provide drainage. Mr. May answered additional questions of Commissioner Kaufman regarding parking. Commissioner Winborne spoke favorably on the project.

Vice-Chair Levy moved, seconded by Commissioner Winborne, to grant SP-08-002 - Crown Property Neighborhood 2, FINAL PLAN APPROVAL, finding it in compliance with Zoning Ordinance §§ 24-160D.9(c), 24-170 and 24-171, with the following conditions:

1. The Applicant shall obtain final storm water management (SWM) plan approval for Neighborhood 2 by the Department of Public Works (DPW) before the issuance of site development permits, with the exception of the issuance of rough grading permits;
2. The 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. The Applicant is to provide final signing, lane marking, turning radii plans, lighting plans, paving and storm drain plans, grade establishment plans, and details to be reviewed and approved by DPW before the issuance of Public Works permits;
4. Homeowner association documents and covenants, including SWM maintenance agreements, are to be reviewed by staff

for approval before the issuance of the first use and occupancy approval;

5. The Applicant is to submit final design of raised crosswalks and other traffic calming to be reviewed and approved by DPW before the issuance of public works permits;
6. The Applicant shall work with staff to redesign Fields Road and intersecting side streets within the property to address and resolve any review comments from the Montgomery County Department of Public Works and Transportation (DPW&T);
7. The Applicant shall obtain from Montgomery County, review and approval of the roadway connection permits between the Montgomery County and the City portions of Decoverly Drive before the issuance of public improvement permits;
8. The Applicant shall obtain all necessary approvals and permits from all local, county, state, and federal finding agencies prior to disturbing the stream valley buffer;
9. The Applicant shall comply with the applicable Environmental Waiver conditions before the issuance of rough grading permits;
10. The Applicant shall place all environmentally sensitive areas and forest conservation areas under a permanent conservation easement to be recorded on final subdivision plats;
11. The Applicant is to provide an Art in Public Places (AIPP) implementation plan to be approved by City staff in consultation with the AIPP Committee before the issuance of building permits;
12. The Applicant shall submit a revised subdivision record plat to be approved by staff, submitted to, and recorded with the Montgomery County Land Records;
13. The Applicant shall receive final design approval from appropriate utility agencies including, but not limited to, Washington Gas, PEPCO, Verizon, and WSSC prior to recordation of final subdivision plats;
14. The 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; and
15. The Final landscape plan shall be approved by Environmental Services and Planning staff before the issuance of any site development permits, with the exception of rough grading permits.

Vote: 5-0

PI-B080268 --	Uncle Julio's Rio Grand Restaurant	MXD Zone
PI-B080269	231 Rio Boulevard	
PI-B080270	Icon Signage	
PI-B080273	ICON SIGN PERMIT REVIEW	

Planning Director Pruss located the site and presented an exhibit showing the orientation of the signage.

Marie Wallace, representing the sign company, Image Works, noted that Uncle Julio's is undergoing a national re-branding of all their restaurants across the country, hence the subject proposal for new signage. She discussed the externally-illuminated circular logo to be located at the northwest corner of the building and on the west elevation over a staff-approved sign. The previously-approved sign on the east elevation would be replaced by an internally-illuminated channel letter sign. She also discussed the decorative neon of some of the signs and noted the existing signage that would remain.

Uncle Julio's District of Columbia Director of Operations Kevin Tullongen discussed the reason for the signage change, noting the proposed signs are in use in all their restaurants except for the District of Columbia market due to a lack of signage space at their two initial restaurants in the metropolitan area years ago.

There was no testimony from the public.

Ms. Pruss noted the proposed signs comply with the approval criteria of the City Code and voiced staff's recommendation for approval. Chair Bauer noted that these sign permit requests had been rescheduled from Consent to Site Plan review due to the need for clarification, and voiced his support for granting the requests.

Commissioner Kaufman moved, seconded by Vice-Chair Levy, to grant PI-B080268, PI-B080269, PI-B080270, and PI-B080273, Uncle Julio's Rio Grand Restaurant, SIGN PERMIT APPROVAL.
Vote: 5-0

SP-08-0003 --	Jacob's Addition	CBD Zone
	420-422 East Diamond Avenue	
	Subdivision of Property to Relocate	
	Existing Building at 320 East Diamond Avenue	
	SUBDIVISION/FINAL SITE PLAN REVIEW	

Planner Marsh located the property on an aerial photograph. She noted the proposal includes the relocation of the house, known as the Carlise/Gartner/Sandison Home, currently on 320 East Diamond Avenue to the above-referenced properties by subdividing the two lots and creating a third one to the north, fronting on Teacher's Way.

Applicant James Clifford, 320 East Diamond Avenue, presented the proposed plan and indicated the proposed subdivision would take 15,000+ square feet of the rear of the two existing lots to create the lot where the house would be relocated. Mr. Clifford noted the access would be temporarily off Diamond Avenue until Teachers Way is reconfigured for the Archstone project. He pointed out the house would be sited so that it duplicates its present appearance as much as possible, including the carport and some of the landscaping.

Mr. Clifford discussed aspects of the Olde Towne Master Plan that relate to this property, and noted that five parking spaces of the 13 provided (12 spaces required) are located on the master planned alley right-of-way, which would necessitate a four-space parking waiver. He agreed with staff's recommended conditions.

Engineer for the applicant, David McKee, Benning & Associates, Inc., discussed site plan aspects of the proposal, including parking, curb, and gutter and storm water management, and landscaping. In response to Chair Bauer, he indicated the plan provides for the construction of the master planned alley, if it is needed.

There was no testimony from the public.

Ms. Marsh noted the plan meets the approval criteria of the City Code, with conditions as listed in the Staff Comments.

Chair Bauer favored the project, noting that although it does not fully comport with recommendations of the Master Plan, it does meet the Master Plan's larger goal of preservation. Commissioner Kaufman voiced his support as well, noting the house relocation creates a sense of historical place which complements the revitalization and redevelopment efforts sought for Olde Towne. Mr. Kaufman also voiced the support of the Historic Preservation Advisory Committee.

Commissioner Kaufman moved, seconded by Commissioner Winborne, to grant SP-08-0003 - Jacob's Addition, PRELIMINARY/FINAL PLAN APPROVAL, finding it in compliance with City Code §§ 20-11 and 24-170, with the following conditions:

1. The applicant is to receive approval of the final storm water management, sediment erosion control, and final grading plan by the Department of Public Works before the issuance of any permits;
2. The applicant is to receive approval of the final Natural Resources Inventory (NRI) and Final Forest Conservation Plan by Environmental Affairs before the issuance of any permits;
3. The applicant shall amend the existing ingress/egress access easement of Lots 2 and 4 of Jacob's Addition to incorporate Lot 6;
4. The applicant shall obtain all necessary approvals from the applicable utility agencies to locate a future monument sign in the public utility easement before the issuance of any sign permits;
5. The applicant is to receive final subdivision (record) plat approval from the Planning Commission and record the plat in the Land Records of Montgomery County before the issuance of any permits; and
6. The Planning Commission shall grant a four-space parking waiver.

Vote: 5-0

Commissioner Kaufman moved, seconded by Commissioner Winborne, to grant for SP-08-0003 - Jacob's Addition, a PARKING WAIVER of four spaces.

Vote: 5-0

V. FROM THE COMMISSIONChair Bauer

Announced a Commission/Staff training session to be held on June 11, 2008, in the City Hall 2nd Floor Gallery at 7:30 p.m. He noted that although there would be no involvement from the public, they would be welcomed to attend.

Commissioner Hopkins

Suggested the City notify the area elementary schools of the above relocation project so that young students have an opportunity to see the relocation of the house.

VI. FROM STAFFPlanning and Code Administration Director Ossont

Referenced his memorandum to the Commission dated May 13, 2008, with an accompanying text amendment to City Code § 24-168, drafted in accordance with the Commission's direction given at their May 7 regular meeting. He reviewed the proposed draft, noting it seeks to provide a process to facilitate and regulate changes to homes on residential properties that have no existing site plan. He answered questions of the Commission regarding the public notification aspect of the process proposed, noting that the latter would be applied concurrently with internal Departmental policies to hold the permit issuance until neighbors are made aware of the proposed changes. He indicated the text amendment, if sponsored by the Commission, would go to public hearing proposing to allow up to a 100-percent size increase of habitable space, not to exceed two and one-half stories in height.

Commissioner Hopkins voiced a concern with the definition of "habitable space," noting that as stated, the text amendment could allow a house footprint to triple its size. Vice-Chair Levy was concerned that a 100 percent increase might be excessive, although he agreed with staff that it is a starting point pending public input. The consensus of the Commission was to sponsor the draft ordinance as discussed this evening.

Community Planning Director Schwarz

Listed the Commission's upcoming regular meeting schedule and the Commission/Staff training session as announced above.

VII. ADJOURNMENT

There being no further business to come before this session, the meeting was duly adjourned at 10:20 p.m.

Respectfully submitted,

M. Gonzalez
Recording Secretary