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## STAFF COMMENTS FOR PLANNING COMMISSION

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**MEETING DATE:** September 17, 2008

**SITE PLAN:** **SP-04-0007**

**TITLE:** **RASHIDIAN ESTATES**

**REQUEST:** **CONSENT APPROVAL**  
**EXTENSION OF FINAL SITE PLAN**  
**APPROVAL** (4 single-family detached  
dwelling units; one existing)

**ZONE:** R-90 (Medium Density Residential) Zone

**Applicant:** VNT Construction – Shawn Tahmassian  
**Engineer:** S & S Planning and Design – Matt Smith  
**Owner:** Parvis Rashidian

**STAFF LIAISON:** Jacqueline Marsh, Planner

**Enclosures:**

Staff Comments  
Exhibits

Exhibit 1: Location Map  
Exhibit 2: Letter from Matt Smith, S & S Planning and Design, dated September 2, 2008  
Exhibit 3: Minutes of the September 19, 2007 Planning Commission Minutes

## **STAFF COMMENTS**

### **I. BACKGROUND:**

The applicant is requesting approval of an extension of the Final Site Plan for SP-04-0007. This property is located at 100 Central Avenue, and is approximately 375 feet to the east of Route 355, South Frederick Avenue, in the Oakmont Subdivision (Exhibit #1). The overall site contains 4.55 acres of land. The applicant is requesting an Extension of the Final Site Plan Approval for a subdivision with four single family dwelling units (one currently exists). On September 19, 2007, the Planning Commission granted Final Site Plan approval to this subdivision with eight conditions as shown in the attached Planning Commission Minutes (please reference Exhibit #3.)

In accordance with § 24-173(a), the applicant has submitted a letter requesting extensions of the final site plan for SP-04-0007. This letter received on September 2, 2008 is attached as Exhibit #2.

### **II. SCOPE OF REVIEW:**

The approved site plan has not been constructed to date. Section 24-173 (a) states the following:

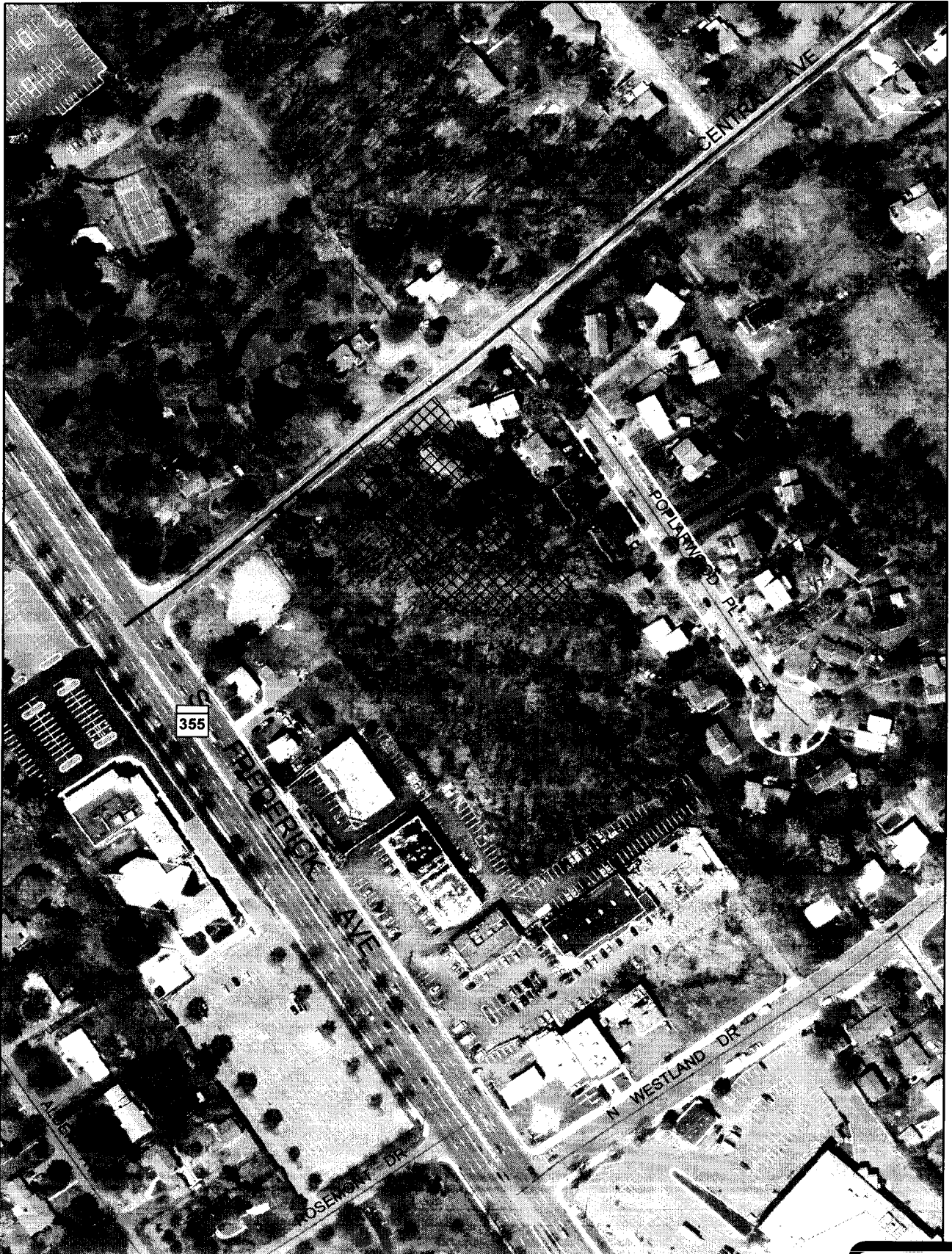
*One or more of the uses proposed for land which is the subject of the site development plan shall be established on such land within three hundred sixty-five (365) days after the date of approval of the plan or the plan shall become void; provided, that the planning commission may extend such time upon request filed within such three hundred sixty-five (365) days and may grant further extensions upon request filed within the period of any extension; provided, that the total length of such extensions shall not exceed two (2) years.*

Accordingly, the applicant is requesting an extension for the approved final site plan. The applicant may request one more extension next year, if necessary. If granted, this extension expires September 2, 2009.

### **III. CONCLUSION:**

Staff recommends **TO GRANT APPROVAL OF EXTENSION OF FINAL SITE PLAN SP-04-0007, RASHIDIAN ESTATES, AS IT CONFORMS WITH §24-173, WITH THE ORIGINAL CONDITIONS AS APPROVED ON SEPTEMBER 19, 2007.**

SP-04-0007 Rashidian Estates



SP-04-0007  
# 1  
9.17.08

PENGAD 800-631-6888



**S&S Planning and Design, LLC**

76 Baltimore Street ♦ Cumberland, Maryland 21502 ♦ 301-724-7611

September 2, 2008

**Mr. John Bauer, Chairman**  
City of Gaithersburg Planning Commission  
31 South Summit Avenue  
Gaithersburg, Maryland 20877-2098

Re: Rashidian Estates Project – Site Plan No. SP-04-0007  
Request for Extension of Site Plan Approval

Dear Chairman Bauer:

By Planning Commission Approval dated September 19, 2007, the City of Gaithersburg approved the above referenced Site Plan for the development of the Rashidian Estates Project. The purpose of this letter is to request a one year extension of that Site Development Approval pursuant to Section 24-173 of the City Code.

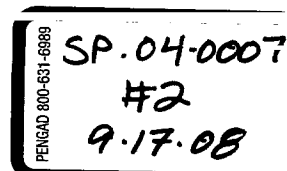
As of this date, VNT Construction (the project developer) has not yet begun construction of the site work for this project. There are several reasons why construction has yet to commence, including the current housing market conditions, delays in receiving site development approval, and the project manager being out of the country for the last several months.

Accordingly, we respectfully request a one year extension of this approval. We have discussed this extension request with Staff and can provide further detailed information if required. If you have any questions or require any additional information, please do not hesitate to call.

Sincerely,  
**S&S Planning and Design, LLC**

Matthew V. Smith, Principal  
Duly Authorized Agent of behalf of Mr. Shawn Tahmassian & VNT Construction

Cc: Mr. Shawn Tahmassian, Project Manager, VNT Construction  
Ms. Jacqueline Marsh, City Planner for City of Gaithersburg



IV. SITE PLANS

CSP-07-001 -- GE Technology Park I-3 Zone  
 100 Edison Park Drive  
 Three Office/Warehouse Buildings  
 Totaling 202,175 Square Feet  
 Concept Plan  
 DENIAL RESOLUTION

Planner Marsh noted the Commission had directed staff at its September 5, 2007, meeting to prepare an opinion resolution of denial, which is before the Commission this evening. She reported the resolution had been reviewed by the City Attorney. Commissioner Hopkins noted he was absent at the September 5 meeting, but had viewed the meeting and was competent to vote.

Vice-Chair Levy moved, seconded by Commissioner Kaufman, to ADOPT a Resolution DENYING CSP-07-001 - GE Technology Park, Concept Plan.  
 Vote: 5-0

SP-07-0011 -- Monument/IBM I-3 Zone  
 800 Watkins Mill Road  
 Phases IIA & IIB Parking  
 FINAL PLAN REVIEW

Deferred until later in the evening (see Page 5).

SP-04-0007 -- Rashidian Estates R-90 Zone  
 100 Central Avenue  
 Four Single-Family Detached Units (1 Existing)  
 FINAL PLAN REVIEW

and

AFP-07-005 -- Macroland CD Zone  
 611 South Frederick Avenue  
 New Parking  
 AMENDMENT TO FINAL PLAN REVIEW

Planner Marsh located the above parcels on an aerial photograph. She provided background information regarding each plan, noting they are being reviewed together as both projects are presently on one property, which will be subdivided with approval of SP-04-0007.

Applicant representative Matthew Smith, S&S Planning and Design, LLC, presented the plans for both projects on 4.61 acres and reviewed the previous plan approvals relating to the projects. He stated that since the Macroland building was approved for all retail space, additional parking is needed. He noted the location of the stream valley buffer and the area to be placed in a conservation easement as identified in the forest conservation plan.

He presented the SP-04-0007 plan for three new residences and one existing home. In response to Chair Bauer, he indicated that a road code waiver would be needed for the access driveway for the turn-around area and the driveway width due to the property constraints from the stream valley buffer. He also presented and discussed the proposed Macroland site plan and noted there would be no impact on the stream valley buffer.

SP.04.0007  
 #3  
 9.17.08  
 PENNSA 800-631-6988

*Architect for the applicant, David Delmar, Delmar Architects,* presented the proposed architectural elevations, noted the locations of each elevation, and discussed the proposed materials (brick and vinyl siding) and the compatibility features with the existing house. In response to questions of Vice-Chair Levy and Commissioner Winborne, Mr. Delmar discussed the visibility of the proposed rear elevations from the adjacent residences and noted that the farmhouse existing on the property would get a two-story addition. Commissioner Kaufman commented on the interesting style of the existing house, noting the large homes proposed behind it have no relationship with it and was concerned over the transition from the old to the new. Planner Marsh noted the existing farmhouse is historically designated and the proposed addition to it is not part of this review.

There was no public testimony.

Ms. Marsh voiced staff's recommendation for approval, as the plan meets the approval criteria of the City Code, subject to the applicant's compliance with conditions that she listed.

In response to Chair Bauer, Ms. Marsh noted the footprints of the units proposed by the subject plan are identical to those on the approved concept plan and the basic planning strategy for the site has not changed. Regarding the access driveway design, she indicated the applicant had considered different scenarios with Public Works staff due to the site limitations imposed by the stream valley buffer, which resulted in the subject proposal. Ms. Marsh further noted that the City Fire Marshal had also reviewed the plans.

Chair Bauer and Commissioner Hopkins commented favorably on the Macroland plan.

Commissioner Winborne moved, seconded by Commissioner Hopkins, to grant AFP-07-005 – Macroland, AMENDMENT TO FINAL PLAN APPROVAL, finding it in compliance with Zoning Ordinance §§ 24-170 and 24-172, with the following conditions:

1. The applicant shall receive final approval of the storm water management and sediment erosion control plan from the Department of Public Works, Park Maintenance, and Engineering (DPWPME) prior to the issuance of any permits;
2. The applicant shall receive final approval of the landscape and lighting plan from staff prior to the issuance of any permits;
3. The applicant and the City shall renegotiate and amend Annexation Agreement X-176 for the correction of zoning designation and language prior to the issuance of any permits;
4. The applicant shall provide a forest conservation easement that will serve as a covenant for the purpose of conserving open space prior to the issuance of any permits. The forest conservation easement will apply to the 2.8-acre stream valley buffer; and
5. The applicant shall prepare and record a record plat in the Montgomery County Land Records.

Vote: 5-0

Regarding the Rashidian Estates plan, Commissioner Kaufman reiterated his concern over the scale of the proposed new units, noting they are not simple houses as portrayed by the applicant. Chair Bauer pointed out the restrictions of the site and the compatibility of the use with the properties in the area, noting, however, that vinyl siding is an inappropriate material for these units given the style and materials of the existing farmhouse. Commissioner Hopkins agreed and supported the plan in terms of filling in the property with residences rather than with an industrial use. He also shared the concern over the vinyl siding, noting that these new homes require a higher level of design, since they border another use. The Commission discussed appropriate materials and color to replace the vinyl siding, as well as the staff-suggested conditions, and moved as follows:

Vice-Chair Levy moved, seconded by Commissioner Winborne, to grant SP-04-0007 - Rashidian Estates, FINAL PLAN APPROVAL, finding it in compliance with Zoning Ordinance §§ 24-30, 24-170 and 24-171, with the following conditions:

1. The applicant must receive a road code waiver from the Mayor and City Council for the cul-de-sac and the access road prior to the issuance of any permits;
2. The applicant is to receive final approval of the final forest conservation plan from the Division of Environmental Affairs prior to the issuance of any permits;
3. The applicant is to receive final approval of the storm water management and sediment erosion control plan from the DPWPME prior to the issuance of any permits;
4. The applicant and the City shall renegotiate and amend Annexation Agreement X-176 for the correction of zoning designation and language prior to the issuance of any permits;
5. The applicant shall record a forest conservation easement that will serve as a covenant for the purpose of conserving open space prior to the issuance of any permits. The forest conservation easement will apply to the 2.8-acre stream valley buffer;
6. The applicant shall prepare and record a record plat in the Montgomery County Land Records;
7. The applicant shall work with staff to revise the building elevations to provide either a cement-fiber siding, a painted wood siding, or brick masonry materials in lieu of vinyl siding; and
8. The applicant shall work with staff to revise the elevations to provide for dimensional shingles.

Vote: 4-1 (Opposed: Kaufman)