



DRAFT

31 South Summit Avenue
Gaithersburg, Maryland 20877
Telephone: 301-258-6330

**MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION
DECEMBER 3, 2008**

Acting Chair Lenny Levy called the meeting to order at 7:30 p.m. Present at the meeting were Commissioners Matthew Hopkins, Lloyd Kaufman, and Danny Winborne, Alternate Commissioner Geri Lanier, Planning and Code Administration Director Greg Ossont, Community Planning Director Trudy Schwarz, Planner Jacqueline Marsh, and Recording Secretary Myriam Gonzalez. Acting Chair Levy noted Alternate Commissioner Lanier would participate this evening, since not all Commissioners were present. Absent: Chair John Bauer.

I. APPROVAL OF MINUTES

November 5, 2008, Planning Commission Meeting

Commissioner Kaufman moved, seconded by Commissioner Winborne, to APPROVE the Minutes of the November 5, 2008, Planning Commission Meeting as submitted.

Vote: 5-0

II. CONSENT

AFP-08-033 -- Summit Woods Apartments R-20 Zone
70 West Deer Park Road
Minor Building Footprint and Handicapped Ramp Revisions
AMENDMENT TO FINAL PLAN REVIEW

Commissioner Hopkins moved, seconded by Commissioner Kaufman, to APPROVE the Consent Agenda.

Vote: 5-0

III. SITE PLANS

SP-08-0008 -- Residences at Olde Towne CBD Zone
One Water Street & 49 West Diamond Avenue
191-Unit Multi-Family Building
PRELIMINARY PLAN REVIEW

Planner Marsh located the property on an aerial photograph and provided a brief background on this project. She reported that an additional exhibit (#13) had been included in the file and furnished to the Commission this evening, and that a related condition (#5), pertaining to Affordable Housing, had been added to those listed in the Staff Comments. Ms. Marsh corrected an error in the Staff Comments and indicated the proposed project includes a 47-space parking waiver request.

Attorney for the applicant, Jody Kline, Esq., Miller, Miller and Canby, noted the Commission reviewed this project in June 2008, as the schematic development plan of Zoning Map Amendment Z-308(o), adding the subject plan is the same as the previously-reviewed plan.

Owner/Developer Richard Koch, Keystone Real Estate Investments, presented the proposed plan, identifying three parcels on the 2.1-acre property, which presently consists of a 17-unit apartment community, a 35-unit apartment community, and a triangular parcel to the south which the applicant has presently under contract. He indicated the project proposes the conversion of the existing structures into a four-story building to house 191 multiple-family units with an underground two-level, 272-space garage. He discussed the grade differential of the property, public use features, site and garage access, and the basis for the parking space waiver. In response to Acting Chair Levy, Mr. Koch discussed the proposed features that he considers make the garage an amenity.

Mr. Koch presented colored building elevations, noting the traditional style with dormers and towers, as well as two courtyards and a proposed ramp wall to the garage. He answered questions of Commissioners Winborne and Hopkins regarding trash truck access, storm water management, and green building details. Regarding the latter, Commissioner Hopkins stressed the importance of durability measures.

Architect for the applicant, Patrick Casey, Donnally Vujcic Associates, stated that the applicant is working on Leadership in Energy & Environmental Design (LEED) certification and discussed green building features of the proposed garage. In response to Acting Chair Levy, Mr. Casey provided additional details of the parking proposal to substantiate the basis for the parking waiver request. Commissioners Hopkins and Kaufman spoke in favor of the parking aspect of the project, noting it incorporates Smart Growth policies.

The following was testimony from the public:

Clark Day, 26 Walker Avenue, and JoAnn Schimke, 734 Tiffany Court, spoke in favor of the proposal as an outstanding infill development project.

Planner Marsh voiced staff's recommendation for approval, as the plan meets the approval criteria, with conditions that she listed.

Commissioner Kaufman favored the plan, noting it is appropriate for a gateway to the City, with amenities within walking distance, and hoped the development process progresses in a speedy fashion. Acting Chair Levy voiced his support of the studio units and Commissioner Winborne complimented the applicant on the garage design.

Commissioner Kaufman moved, seconded by Alternate Commissioner Lanier, to grant SP-08-0008 - Residences at Olde Towne, PRELIMINARY PLAN APPROVAL, finding it in compliance with City Code §§ 20-11 and 24-170, with the following conditions:

1. The applicant shall be required to provide a letter of map amendment showing that the Federal Emergency Management Agency (FEMA) has issued a change to the flood maps to indicate the property is no longer in a floodplain before final site plan or final subdivision (record) plat approval;
2. The applicant shall provide documentation of its ownership of the parcel of land known as the Bermuda Triangle or the current owners' acknowledgement and consent that it be incorporated in the subdivision before final site plan approval;

3. The applicant shall work with staff to further refine the landscape and lighting plans and architecture elevations, to be approved at the time of final site plan approval;
4. The applicant shall submit a signed Declaration of Covenants before the closing of the record for Final Site Plan Review. The Declaration is to provide that the Applicant will not re-occupy the apartments after all tenants have been relocated but before demolition has occurred. The Declaration is to be recorded at the Applicant's expense, promptly after Planning Commission approval of the final site plan without any conditions that materially affect the Applicant's ability to implement its redevelopment program; and
5. The Applicant shall comply with all items outlined in the Preliminary Affordable Housing Plan Approval letter dated December 2, 2008, within 90 days.

Vote: 5-0

Planning and Code Administration Director Ossont announced that Assistant City Manager Felton would be scheduling a tenant meeting in the near future.

SDP-08-004 -- Maryland Carpet & Tile CD Zone
305 North Frederick Avenue
4,318 Sq.Ft. One-Story Building
AMENDMENT TO SCHEMATIC DEVELOPMENT PLAN REVIEW

and

AFP-08-034 -- Maryland Carpet & Tile CD Zone
305 North Frederick Avenue
4,318 Sq.Ft. One-Story Building
AMENDMENT TO FINAL PLAN REVIEW

Planner Marsh provided background information relating to previous reviews/approvals regarding the property and located the site on an aerial photograph.

Engineer for the applicant, Rafik Bazikian, Bazikian Consultants, presented the site plan, noting all the features that remain unchanged as well as the proposed revisions, which include the extension of the building footprint by 967 square feet for a one-story, rather than a two-story building, and the elimination of three parking spaces. He noted that a three-space parking waiver is needed as a result of the footprint extension. He presented the colored building elevations, noting the similarity to the original submission, except for the reduction of one story. He answered questions of Acting Chair Levy regarding building entrances, height and roof design.

There was no testimony from the public.

Ms. Marsh voiced staff's recommendation for approval, as the plans meet the approval criteria of the City Code, subject to a condition that she listed.

Commissioner Hopkins spoke favorably about the roof design, as it gives height to the one-story building, and recommended the brick on the Frederick Avenue facade be made more pedestrian friendly. In response to Commissioner Kaufman's inquiry about sample materials,

Planning and Code Administration Director Ossont suggested adding a condition for the submittal of color/material samples to the Commission. The Commission agreed on the language of the condition as listed below.

Commissioner Kaufman moved, seconded by Commissioner Winborne, to grant SDP-08-004 - Maryland Carpet & Tile, SCHEMATIC DEVELOPMENT PLAN AMENDMENT APPROVAL, finding it in compliance with Zoning Ordinance § 24-198.

Vote: 5-0

Alternate Commissioner Lanier moved, seconded by Commissioner Kaufman, to grant AFP-08-034 – Maryland Carpet & Tile, AMENDMENT TO FINAL PLAN APPROVAL, finding it in compliance with Zoning Ordinance §§ 24-170, 24-172, and 24-198(d), with the following conditions:

1. The Planning Commission grant a three-space parking waiver; and
2. The applicant shall provide building color and material samples to be approved by the Planning Commission as a consent item, prior to the issuance of building permits.

Vote: 5-0

Commissioner Hopkins moved, seconded by Commissioner Winborne, to grant AFP-08-034 – Maryland Carpet & Tile, a PARKING WAIVER of three spaces.

Vote: 5-0

Planning and Code Administration Director Ossont reported that during their October 2008 courtesy review, the Mayor and City Council had stated that this project would not be subject to any additional reviews for further changes to the plan, given the extent of reviews and time that the property had been in disrepair.

IV. FROM THE COMMISSION

Commissioner Hopkins

Reported he attended the US Greenbuild International Conference and Expo in Boston in November, noting how rapidly the green building movement has grown among professionals in all fields.

V. FROM STAFF

Planning and Code Administration Director Ossont

Development Standards – Front Yard Coverage

Director Ossont referenced his memorandum to the Commission requesting sponsorship of a text amendment to address front yard lot coverage in R-90 Zone properties, noting the front yards are not specifically addressed in the current R-90 Zone development requirements. The Commission agreed to sponsor a text amendment to address this matter.

Community Planning Director Schwarz

Announced a Historic Preservation Training session is scheduled on December 9, 2008, and the next regular Planning Commission meeting will be on January 7, 2009.

VI. ADJOURNMENT

There being no further business to come before this session, the meeting was duly adjourned at 8:40 p.m.

Respectfully submitted,

M. Gonzalez
Recording Secretary