

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

February 5, 2007

CALL TO PODIUM:

**Greg Ossont, Director
Planning & Code
Administration**

RESPONSIBLE STAFF:

**Greg Ossont, Director
Planning & Code
Administration**

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Joint Public Hearing
	Historic District
	Consent Item
	Ordinance
	Resolution
X	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	NA
Advertised	11/29/2006
	12/06/2006
Hearing Date	12/18/2006
Record Held Open	1/26/2007
Policy Discussion	

TITLE: Policy Discussion

This is a proposal to amend Chapter 24 of the City Code (City Zoning Ordinance), Article III, Division 15, "I-3 Zone, Industrial and Office Park" §24-143, entitled, " Uses permitted by right," to eliminate redundant and conflicting provisions and renumber accordingly.

SUPPORTING BACKGROUND:

At the regular meeting on January 17, 2007, the Planning Commission recommended adoption of T-380.

Public buildings are subject to certain requirements under §24-143(2) including minimum lot or parcel sizes and setbacks for parking areas. It is these two standards that are proposed to be eliminated.

As drafted, the text amendment would retain the other two standards for public buildings restricting "distribution" uses and parking or storage of trucks.

*Attachments:
Index of Memoranda and CPC*

DESIRED OUTCOME:

Conduct Policy Discussion and final action.

The Ordinance is ready for adoption.

INDEX OF MEMORANDA

I-3 Zone T-380

1. Application
2. Draft T-380 Ordinance
3. Memorandum from Planning and Code Administration Director Ossont dated 11/15/2006, to M&C proposing text amendment
4. Letter to Gaithersburg *Gazette* dated November 22, 2006, requesting a Legal Ad for the November 29 & December 6, 2006, issues.
5. Notice of Joint Public Hearing mailed December 1, 2006
6. Notice of Joint Public Hearing mailing list
7. Certification of Publication from the Gaithersburg *Gazette*: December 1, 2006
8. Transcript of Joint Public Hearing held on December 18, 2006
9. Planning Commission recommendation on January 17, 2007.
10. Staff comments for Planning Commission on January 17, 2007.

COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Mayor and City Council

VIA: David Humpton, City Manager

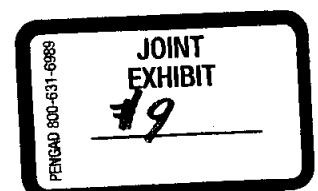
FROM: Greg Ossont, Planning and Code Administration Director

DATE: January 18, 2007

SUBJECT: T-380 - An Ordinance to Amend Chapter 24 of the City Code Entitled "Zoning", Article III Entitled "Regulations Applicable To Particular Zones," Division 15 Entitled "I-3 Zone, Industrial and Office Park," To Eliminate Redundant and Conflicting Provisions and Renumber Accordingly

At its regular meeting on January 17, 2007, the Planning Commission made the following motion:

Commissioner Kaufman moved, seconded by Commissioner Winborne, to recommend Text Amendment T-380 for ADOPTION to the Mayor and City Council.
Vote: 5-0



STAFF COMMENTS FOR PLANNING COMMISSION

MEETING DATE: January 17, 2007

TEXT AMENDMENT: **T-380**

TITLE: **AMEND "USES PERMITTED BY
RIGHT" TO ELIMINATE REDUNDANT
AND CONFLICTING PROVISIONS AND
RENUMBER ACCORDINGLY**

REQUEST: **RECOMMENDATION TO M&CC**

ADDRESS: N/A

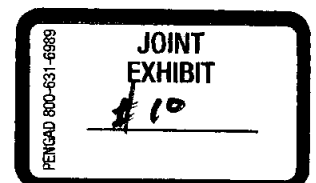
ZONE: I-3 (Industrial and Office Park) Zone

APPLICANT/REPRESENTATIVE/ATTORNEY/DEVELOPER: (as applicable)

STAFF PERSON: Greg Ossont, Director
Planning and Code Administration

Enclosures:

Staff Comments
Index of Memorandum and Exhibits



STAFF COMMENTS

Staff is proceeding with the preliminary steps for the development of the Gaithersburg Indoor Aquatic and Recreation Center at the GE Tech Park site. The current zoning of the parcel is I-3, Industrial and Office Park. Currently, the I-3 zone requirements would prohibit the development of the property for the aquatic center. Specifically, there are two standards proposed to be eliminated.

Public buildings are subject to certain requirements under §24-143(2) including minimum lot or parcel sizes and setbacks for parking areas. It is these two standards that would preclude the aquatic center project.

As drafted, the text amendment would retain the other two standards for public buildings restricting "distribution" uses and parking or storage of trucks.

Essentially, the following illustrates what is being recommended:

(2) Public buildings and uses subject to the following requirements:

~~(a) The minimum lot or parcel area shall be at least twenty (20) acres in size.~~

(b) No on-site parking or storage of trucks, either within a building or on the exterior or motor vehicles other than automobiles for employees and customers of the facility are allowed.

~~(c) All parking areas shall be set back at least fifty (50) feet from any common property line or public right of way and shall be screened by fencing or planting at least four (4) feet in height.~~

(d) No distribution uses are allowed. For the purpose of this section "distribution uses" is defined as the primary use of the property for the collection and transfer or dispensing of personal property or equipment to public or private recipients.

TRANSCRIPT OF

JOINT PUBLIC HEARING

ON

T-380

An Ordinance to Amend Chapter 24 of the City Code Entitled "Zoning," Article III, Entitled "Regulations Applicable to Particular Zones," Division 15 Entitled "I-3 Zone, Industrial and Office Park," to Eliminate Redundant and Conflicting Provisions and Renumber Accordingly

BEFORE THE

CITY OF GAITHERSBURG

MAYOR AND CITY COUNCIL

and

PLANNING COMMISSION

on

December 18, 2006

Transcribed by
Doris R. Stokes

PARTICIPANTS

CITY COUNCIL

Mayor Katz
Council Vice President Alster
Council Member Marraffa
Council Member Schlichting
Council Member Sesma

PLANNING COMMISSION

Chair Bauer
Vice Chair Levy
Commissioner Hopkins
Commissioner Kaufman

CITY ATTORNEY

Cathy G. Borten

STAFF

Planning and Code Administration Director Ossont

NO SPEAKERS FROM THE PUBLIC

Katz If the Planning Commission could please join us for the joint public hearing.

Ossont Thank you Mr. Mayor. This is a joint public hearing on text amendment T-380. This is a proposal to amend Chapter 24 of the City Code entitled "Zoning," Article III entitled "Regulations Applicable to Particular Zones," Division 15, entitled "I-3 Zone, Industrial and Office Park," Section 24-143 entitled "Uses Permitted by Right." It was advertised on November 29 and December 6, 2006. Staff is proceeding with the preliminary steps for the development of the Gaithersburg Indoor Aquatic and Recreational Facility at the GE Technology Park site. The current zoning of that parcel is I-3. Public buildings are subject to certain requirements under 24-143(2), including minimum lot and parcel sizes and setbacks for parking areas. It is these two standards that would be eliminated by the proposed text amendment. As drafted, the text amendment would retain the other two standards for public buildings restricting distribution uses as well as parking and storage of trucks.

Katz Any questions of Mr. Ossont? This is the time that the Mayor and City Council and Planning Commission hear from anyone from the public who would like to speak on this public hearing topic. Is there anyone in the audience who would like to speak on this public hearing topic? Ok.

Ossont Staff is recommending that the Planning Commission hold their record open until 5 p.m. on January 10, 2007, with anticipated recommendation on the 17th of January and also that the Mayor and City Council hold their record open until 5 p.m. on January 26, 2007, with anticipated policy discussion scheduled for February 5, 2007.

Bauer Noting the recommendation from staff, what is the pleasure of the Commission, please?

Kaufman I move that with regard to the text amendment T-380, that the Planning Commission hold their record open until 5 p.m., January 10, 2007.

Levy Second.

Bauer Its been moved and seconded. All in favor please say aye?

Commission Ayes. (4-0)

Bauer Opposed? That passes unanimously, Mr. Mayor.

Katz Thank you very much. And its been suggested for the Council that the record be held open until Friday, 5 p.m., January 26, 2007 and anticipated policy discussion on Monday, February 5, 2007. What is the pleasure of the Council?

Alster Move that the Mayor and Council hold the record open on text amendment T-380 until 5 p.m., January 26, 2007.

Marraffa Second.

Katz It's been moved and seconded. All those in favor please say aye?

Council Ayes.

Katz Opposed? That carries unanimously as well. (4-0)

End of Joint Public Hearing

T-380

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE ENTITLED "ZONING," ARTICLE III ENTITLED "REGULATIONS APPLICABLE TO PARTICULAR ZONES," DIVISION 15 ENTITLED "I-3 ZONE, INDUSTRIAL AND OFFICE PARK," TO ELIMINATE REDUNDANT AND CONFLICTING PROVISIONS AND RENUMBER ACCORDINGLY

BE IT ORDAINED, by the Mayor and City Council of the City of Gaithersburg, in public meeting assembled, that Chapter 24 of the City Code, Article III, Division 15 is hereby amended to read as follows:

ARTICLE III REGULATIONS APPLICABLE TO PARTICULAR ZONES

* * * * *

DIVISION 15, I-3 ZONE, INDUSTRIAL AND OFFICE PARK

* * * * *

Sec. 24-143. Uses permitted by right.

The following uses are permitted by right in the I-3 Zone:

- (1) All uses permitted by right in the E-1 Zone.
(2) Public buildings and uses subject to the following requirements:

[(a) The minimum lot or parcel area shall be at least twenty (20) acres in size.]

[(b)] (a) * * * * *

[(c) All parking areas shall be set back at least fifty (50) feet from any common property line or public right-of-way and shall be screened by fencing or planting at least four (4) feet in height.]

[(d)] (b) * * * * *

[(3)] (2) Public buildings and uses.]

[(4)] (3) * * * * *

[(5)] (4) * * * * *

[(6)] (5) * * * * *
[(7)] (6) * * * * *
[(8)] (7) * * * * *
[(9)] (8) * * * * *
[(10)] (9) * * * * *
[(11)] (10) * * * * *

ADOPTED this 5th day of February, 2007 by the City Council of Gaithersburg, Maryland.

SIDNEY A. KATZ, MAYOR and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this 5th day of February, 2007. APPROVED by the Mayor of the City of Gaithersburg, this 5th day of February, 2007.

SIDNEY A. KATZ, MAYOR

THIS IS TO CERTIFY that the foregoing ordinance as adopted by the City Council of Gaithersburg, in public meeting assembled, on the 5th day of February, 2007, and that the same was approved by the Mayor of the City of Gaithersburg on the 5th day of February, 2007. This Ordinance will become effective on the 26th day of February, 2007.

David B. Humpton, City Manager