

DRAFT



Gaithersburg

A CHARACTER COUNTS!

CITY OF GAITHERSBURG
MINUTES OF A REGULAR CITY COUNCIL MEETING
MONDAY, OCTOBER 15, 2007

A meeting of the Mayor and City Council was called to order at 7:30 p.m., Mayor Katz presiding. Council Members present: Alster, Edens, Marraffa, Schlichting, and Sesma. Staff present: City Manager Humpton, Assistant City Managers Felton and Tomasello, Finance and Administration Director Belton, Public Works, Parks Maintenance and Engineering Director Arnoult, Planning and Code Administration Director Ossont, Planning Director Pruss, Planner Marsh, Environmental Services Director Shingara, and Executive Assistant Stokes.

I. PLEDGE OF ALLEGIANCE

The Pledge was led by Administrative Support Supervisor Bohnenblust, Public Works Administration.

II. INVOCATION

In lieu of an invocation, Mayor Katz called for a moment of silence.

III. ANNOUNCEMENT

A closed meeting was held by the Mayor and City Council on Monday, October 15, 2007, at approximately 6:33 p.m., pursuant to a motion adopted unanimously during a special meeting held prior to the closed meeting also on October 15, 2007. The meeting was closed pursuant to Section 10-508(a)(1)(i), State Government Article, of the Annotated Code of Maryland, to discuss the appointment of an Acting City Manager. The topic discussed was the designation of an officer of the City as Acting City Manager to perform the duties of the City Manager for such period as may be necessary. Present at the closed meeting were Mayor Katz, Council Members Alster, Edens, Marraffa, and Sesma. Upon conclusion of the discussion, the closed meeting was adjourned at approximately 6:51 p.m.

IV. APPROVAL OF MINUTES

Motion was made by Council Member Alster, seconded by Council Member Schlichting, that the minutes of the Mayor and Council meeting held September 17, 2007, be approved.

Vote: 5-0

V. CONSENT ITEM**Resolution of the Mayor and City Council Authorizing the City Manager to Enter Into a Contract to Purchase One (1) 2008 Pick Up Truck With Snow Plow**

This resolution authorized the purchase of the above truck from Criswell Chevrolet, 503 Quince Orchard Road, Gaithersburg, Maryland 20878, in the amount of Twenty-Four Thousand Three Hundred Sixty-Seven Dollars (\$24,367); said funds to be expended from the Operating Budget

Motion was made by Council Member Edens, seconded by, Council Member Marraffa, that the Consent Agenda (Resolution No. R-115-07), be approved.

Vote: 5-0

VI. APPOINTMENT**Resolution Appointing an Acting City Manager**

City Manager David B. Humpton is due to retire effective October 28, 2007. This resolution confirmed the appointment of James D. Arnoult as Acting City Manager, to perform the duties of the City Manager pursuant to Section 18 of the City Charter, until such time a permanent City Manager is appointed. It was further resolved that James D. Arnoult be designated in accordance with Section 46 of the City Charter to countersign all checks issued in payment of City obligations while performing the duties of City Manager.

Motion was made by Council Member Schlichting, seconded by, Council Member Edens, that a RESOLUTION OF THE CITY COUNCIL APPOINTING AN ACTING CITY MANAGER FOR THE CITY OF GAITHERSBURG (Resolution No. R-116-07), be approved.

Vote: 5-0

VII. PRESENTATIONS**1. Proclamation**

Mayor Katz issued a proclamation designating October 21-27, 2007, as "*National CHARACTER COUNTS! Week*" in the City of Gaithersburg. Human Services Director Carr accepted the proclamation and announced the following activities scheduled: 12th Annual CHARACTER COUNTS! Poster Contest, co-sponsored by *Gazette Newspapers* and Lakeforest Shopping Center; 8th Annual Elementary and Middle School Writing Contest, co-sponsored by the Rotary Club; and the 9th Annual High School Essay Contest Foundations for Life, co-sponsored by the Montgomery Village Rotary Club.

2. Fiscal Year 2008 1st Quarter Financial Results

Assistant City Manager Tomasello gave a brief PowerPoint presentation on the financial results for the first quarter of fiscal year 2008 (7/1/07 to 9/30/07). An overview was given of the year-to-date revenues by category (local taxes, licenses and permits, grants [Federal, State and County], charges and fees, fines and forfeitures, and miscellaneous [interest, contributions, etc.]; year-to-date expenses by department (City Manager's Office, Finance & Administration, Information and Technology, Planning and Code Administration, Police, Public Works, Parks, Recreation and Culture, and Non-Departmental, to include Capital Improvement Projects; positive and negative variances to budget; and potential red flags. He noted that the 1st quarter is the most expensive quarter because all the replacement accounts are funded upfront. He further noted that major categories listed in the revenues are not collected until the 2nd and 3rd quarters.

In response to a question, Mr. Tomasello stated that red flag numbers are similar to last year except for the miscellaneous. It was suggested that mid-year reports of percentages be calculated and presented to the Mayor and City Council.

VIII. PUBLIC APPEARANCES

1. *Harvey Kaye, 522 Chestertown Street*, expressed appreciation for the service of Council Members Alster, Edens and Schlichting, and City Manager Humpton. Mr. Kaye took pictures of those sitting at the dais.
2. *Michael Stumborg, 104 Brookes Avenue*, wished those leaving well. Asked the City Council to grant demotion permits and allow the proposed redevelopment in Olde Towne to go forward.
3. *Richard Arkin, 121 Selby Street*, echoed thanks to the exiting City Council Members and City Manager Humpton. He thanked the City for their support of the Oktoberfest event and the Kentlands Boulevard Commercial District Charrette. He asked the City to persuade the State to move the alignment to serve western Gaithersburg.
4. *Lorraine Pearson, Montgomery Preservation, Inc. (MPI)*, expressed appreciation for delaying the demolition date of the Heeter-Crown home to seek options for preserving the home.
5. *Judith Christensen, 6 Walker Avenue, representing MPI*, expressed concern with moving the Heeter-Crown home. She presented history on the Crown and Heeter families and stated that MPI will work with the Historic Preservation Advisory Committee and City staff to determine if the homes on the property are compatible.
6. *D.J. Jones-Reilly, Saybrooke Apartments*, thanked and wished well the Council Members leaving. Congratulated the City on a wonderful Celebrate Gaithersburg Day in Olde Towne. Asked to demo the new voting system.
7. *Brian Stone, Olde Towne District*, expressed interest in preserving the Heeter-Crown home and making the relocation a success. Mayor Katz recognized Mr. Stone for his community service.
8. *Mary Jo LaFrance, 105 Chestnut Street*, expressed support for preserving the Heeter-Crown home.

MAYOR KATZ RECUSED HIMSELF FROM THE MEETING AT 8:08 P.M. DUE TO A
CONFLICT WITH THE FOLLOWING TESTIMONY FROM THE PUBLIC.
COUNCIL VICE PRESIDENT ALSTER PRESIDED OVER THE MEETING.

9. *Elizabeth Johnson, 104 Chestnut Street*, thanked the exiting City Council Members leaving for serving the Gaithersburg community. She expressed support for preserving the Heeter-Crown home. Referred to and expressed support for the historic preservation of the two homes at 320 and 440 East Diamond Avenue stating that they are historic sites.
10. *Mary Jo LaFrance, 105 Chestnut Street*, expressed support for the preservation of 320 and 440 East Diamond Avenue.
11. *Wayne Goldstein, President MPI*, echoed comments of his colleagues in support of the relocation and restoration of the two building structures on the Crown Farm property. Referred to the Archstone project and suggested historic designation of the homes on 320 and 440 East Diamond properties to help reduce the cost of relocating the structures.

12. *Richard Arkin, 121 Selby Street*, stated that HPAC will assist with evaluating the area around the two Crown Farm homes and its historic preservation. Stated that HPAC has taken a position on the East Diamond Avenue project and asked the City to assist the developer and land owners of 320 and 440 East Diamond Avenue in preserving their historic resources.
13. *Cathy Drzyzgula, 16 Walker Avenue*, clarified that City residents and property owners are eligible to participate in property tax credits through the county. She stated that HPAC did give a recommendation on the structures on East Diamond Avenue, their preservation, and possible relocation.
14. *Jody Kline, representing Archstone-Smith*, stated there is a consensus for historic preservation of the structures on 320 and 440 East Diamond Avenue and asked the Mayor and City Council to allow the Archstone project to move forward.
15. *James Clifford, 320 East Diamond Avenue*, thanked Council Members Alster, Edens and Schlichting and City Manager Humpton. He commended each individual on their professionalism and service. He referred to the Archstone project and stated that the relocation and preservation of the historic homes were discussed at length. He stated that the relocation and preservation is going to require a subdivision and the cooperation of many people. He stated that Identity has agreed to accept one of the homes as long as they get the necessary approvals.

MAYOR KATZ RETURNED TO PRESIDE OVER THE MEETING AT 8:20 P.M.

IX. FROM THE MAYOR AND CITY COUNCIL/ANNOUNCEMENTS

Council Vice President Alster

1. Commended and thanked staff for the Oktoberfest event.
2. Stated the CHARACTER COUNTS! program was initiated in area schools 11 years ago and invited the public to join the City for a reception honoring the participants, winners, families, principals and teachers on Wednesday, October 24, 2007, 6 to 8:30 p.m. at the Youth Center at Robertson Park.
3. Thanked City Manager Humpton for his 22 years of service to the City Council, staff, and the residents of Gaithersburg.

Council Member Marraffa

1. Thanked staff on a superb job in coordinating the Oktoberfest event.
2. Stated he became a City Council Member in 1995 and mentioned the support and teamwork of the current Council. He highlighted the accomplishments such as the charrettes, DANAC building, two apartment dwellings in Olde Towne, Washingtonian RIO, Kentlands, Lakelands, Bohrer Park, Casey East and West, Crown Farm, etc. He stated that the Mayor and City Council worked together to overcome many huddles. He thanked his colleagues for their service.

Council Member Sesma

1. Echoed thanks to his colleagues and recognized the accomplishments over the years such as the adequate public facilities and the affordable housing ordinance. He stated that the City dealt with major issues which were addressed to become a model community/city today.
2. Reported that the County Council's PHED Committee had met recently and is working on recommendations on the Annual Growth Policy (AGP) changes that regulate growth and planning in the county. He mentioned that the school test has a threshold at 135% program capacity and

asked that the county modify its school test to be more in line with the Cities of Gaithersburg and Rockville and expressed opposition to the sharing of capacity within school clusters. He reiterated the City's position on impact tax increases that might be appropriate, but asked that it be phased in over time to minimize hardship on development projects. He also asked for exemptions for strategic economic development projects to be reinstated and that Olde Towne Gaithersburg be designated as a strategic economic development project. And lastly, that development projects in the vicinity of MARC stations be given a 50% credit for the transportation impact tax.

3. Announced that he will not be at the November 7, 2007 Mayor and City Council meeting. Thanked those colleagues leaving for their service to Gaithersburg and wished them well.

Council Member Edens

Stated it was a privilege to serve the Gaithersburg community and thanked the public for their kind words. She congratulated City Manager Humpton on his new position with the Montgomery Village Foundation and wished him well in his future endeavors.

Council Member Schlichting

1. Reported the success of the Kentlands Boulevard Commercial District Charrette held October 4 through October 9, 2007. Thanked City staff for committing their time and effort for the future planning and quality of life in Gaithersburg. He reported that sustainable design and a vision for green architecture planning was discussed during the charrette. Thanked citizens for participating.
2. Thanked the seven candidates for stepping forward to run for the three vacant positions on the City Council to serve a great City.

Mayor Katz

1. Announced the following schedule:
 - public hearing on Z-307 (Summit Shopping Center) was postponed until the November 19, 2007 Mayor and City Council meeting.
 - no work session on Monday, October 22 and 29, 2007.
 - City Elections on Tuesday, November 6, 2007, 7 a.m. to 8 p.m.
 - special meeting on Wednesday, November 7, 2007, to approve minutes and administer oath of office to the newly elected council members.
2. Announced that it is the last meeting for City Manager Humpton who has accepted a position as the Executive Vice President of the Montgomery Village Foundation and wished him well.

X. FROM THE CITY MANAGER

Reiterated that it is his last meeting after 22 years of service. He stated that he enjoyed his relationship with the Mayor and City Council, staff, and the residents of Gaithersburg. He echoed the remarks of Council Member Marraffa that many great projects were accomplished as a team.

MAYOR KATZ RECUSED HIMSELF FROM THE MEETING AT 8:43 P.M. DUE TO A CONFLICT WITH THE NEXT AGENDA ITEM. COUNCIL VICE PRESIDENT ALSTER PRESIDED OVER THE MEETING.

XI. PUBLIC HEARING

AB-57 - An Ordinance to Abandon, Release and Vacate 17,404 Square Feet of Land Including 6,509 Square Feet of Land Adjacent to Parcel P-936, East of North Summit Avenue; 3,851 Square Feet for Land Area Abutting the Southern Boundary of Gaithersburg Elementary School; and 7,044 Square Feet of Land Previously Dedicated for a 25-Foot Public Alley Adjacent to Lot 1, East Diamond Avenue, in the City of Gaithersburg, Montgomery County, Maryland

Planner Marsh stated that the public hearing was advertised in the *Gaithersburg Gazette* on September 26, 2007. The application requests the abandonment of three parcels. Part One of the abandonment request contains 6,509 square feet of land, adjacent to Parcel P-936; Part Two contains 3,851 square feet of land, abutting the southern boundary of Gaithersburg Elementary School; and Part Three contains 7,044 square feet of land in current use as a 25-foot public alley located adjacent to Lot 1, on East Diamond Avenue. Ms. Marsh oriented the Mayor and City Council to the site.

Jody Kline, Miller, Miller & Canby, representing Archstone-Smith, reviewed an exhibit showing the areas of the existing three part abandonment and what would be created by the new and additional right-of-way for the realigned Teacher's Way. He stated that in giving up the rights-of-way that exist, the City will get improved vehicular and pedestrian circulation.

Speaker from the public:

D.J. Jones-Reilly, Saybrooke community, expressed concern with overflow parking used by the organization *On Our Own*. Questioned if parking will still be available for event attendees. Assistant City Manager Felton stated parking will be available at Gaithersburg Middle School and on Teachers Way limited on-street parking.

There were no other speakers at the hearing.

Motion was made by Council Member Alster, seconded by Council Member Sesma, that the Mayor and City Council close their record on AB-57.

Vote: 5-0

Motion was made by Council Member Schlichting, seconded by, Council Member Edens, that **AB-57, AN ORDINANCE TO ABANDON, RELEASE AND VACATE 17,404 SQUARE FEET OF LAND INCLUDING 6,509 SQUARE FEET OF LAND ADJACENT TO PARCEL P-936, EAST OF NORTH SUMMIT AVENUE; 3,851 SQUARE FEET FOR LAND AREA ABUTTING THE SOUTHERN BOUNDARY OF GAITHERSBURG ELEMENTARY SCHOOL; AND 7,044 SQUARE FEET OF LAND PREVIOUSLY DEDICATED FOR A 25-FOOT PUBLIC ALLEY ADJACENT TO LOT 1, EAST DIAMOND AVENUE, IN THE CITY OF GAITHERSBURG, MONTGOMERY COUNTY, MARYLAND (Ordinance No. O-12-07)**, be approved with three (3) conditions.

Vote: 5-0

MAYOR KATZ RETURNED TO PRESIDE OVER THE MEETING AT 8:52 P.M. AND RECESSED THE MAYOR AND COUNCIL MEETING FOR A HISTORIC DISTRICT COMMISSION MEETING. THE MAYOR AND COUNCIL MEETING RECONVENED AT 9:05 P.M.

XII. ORDINANCES, RESOLUTIONS, AND REGULATIONS

1. Ordinance to Amend and Adopt the City Budget

A public hearing was held on October 1, 2007, and the Mayor and City Council voted to close their record on October 10, 2007. This ordinance amends and adopts the City budget, which provides a complete financial plan, including anticipated revenues and proposed expenditures for the Fiscal Year 2006-2007.

Motion was made by Council Member Edens, seconded by, Council Member Sesma, that AN ORDINANCE TO AMEND AND ADOPT THE CITY BUDGET FOR THE FISCAL YEAR JULY 1, 2006, THROUGH JUNE 30, 2007, TO COMPLY WITH GASB 45 FUNDING (Ordinance No. O-13-07), be approved.

Vote: 5-0

2. Ordinance "Gaithersburg Green Residential Criteria"

A public hearing was held on October 1, 2007, and the Mayor and City Council voted to close their record on October 10, 2007. Assistant City Manager Felton stated that during the public hearing, testimony was received that the proposed ordinance could be inconsistent with certain historic preservation considerations. He stated that after meeting with representatives of the Historic Preservation Advisory Committee, staff is recommending the following new language: The provisions of Section R326 may be modified by the building code official to the extent necessary to accommodate historic preservation considerations on any dwelling unit that is located in a historic district or is designated as a historic structure. He stated that staff continued to work with various residential builders and staff is recommending two additional modifications that deal with window requirements and Heating, Ventilation, and Air Conditioning sizing.

Motion was made by Council Member Alster, seconded by, Council Member Sesma, that AN ORDINANCE TO AMEND CHAPTER 5 OF THE CITY CODE ENTITLED "BUILDINGS," TO INCLUDE IN ARTICLE II, ENTITLED "THE INTERNATIONAL RESIDENTIAL CODE (2003)," A NEW SECTION R326 "GAITHERSBURG GREEN RESIDENTIAL CRITERIA" (Ordinance No. O-14-07), be approved.

Vote: 5-0

3. Resolution Changing the Effective Date of Ordinance O-7-07 (*anti solicitation*) and Providing for Future Changes to the Effective Date by Resolution

Assistant City Manager Felton stated that to date, the City has not received an opinion from the Attorney General's Office and therefore, proposes to postpone the effective date of Section 15-9 until January 1, 2008. Council Member Marraffa asked that the effective date of the ordinance not be extended and pressure be put on the Attorney General's Office to make a decision. Staff was directed to contact the Attorney General's Office, if appropriate, for an approximate decision date.

Motion was made by Council Member Edens, seconded by, Council Member Alster, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL CHANGING THE EFFECTIVE DATE OF ORDINANCE O-7-07 (*ANTI SOLICITATION*) ADOPTING SECTION 15-9, AND PROVIDING FOR FUTURE CHANGES TO THE EFFECTIVE DATE BY RESOLUTION (Resolution No. R-117-07), be approved.

Vote: 4-1 (Opposed: Marraffa)

MAYOR KATZ RECUSED HIMSELF FROM THE MEETING AT 9:10 P.M. DUE TO A CONFLICT WITH THE NEXT AGENDA ITEM. COUNCIL VICE PRESIDENT ALSTER PRESIDED OVER THE MEETING.

4. Resolution to Negotiate and Execute an Agreement with Montgomery County Public Schools on Obtaining Property for the Extension of Teacher's Way

Assistant City Manager Felton stated that a key component of the Olde Towne Master Plan is to extend Teachers Way from its existing terminus to North Summit Avenue. To accommodate the extension, staff is working with MCPS to have the necessary right-of-way dedicated. He stated that pursuant to the Incentive Agreement between Archstone and the City dated August 8, 2007, Teachers Way Extended will be divided into two projects: one segment by the City and one segment by Archstone. He added that the City received a 1.2 million dollar federal transportation grant that will cover the cost of the City's segment to be built. MCPS is asking in return for the City to construct 21 parking spaces for school buses and replace 58 parking spaces. In addition, pursuant to an agreement reached in conjunction with the long term lease for the Youth Center, the City is required to build an additional 60 parking spaces at Gaithersburg Middle School. In total, the construction of parking spaces will cost approximately \$400,000.

Motion was made by Council Member Sesma, seconded by, Council Member Edens, that a RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH MONTGOMERY COUNTY PUBLIC SCHOOLS ON OBTAINING PROPERTY FOR THE EXTENSION OF TEACHER'S WAY (Resolution No. R-118-07), be approved.

Vote: 5-0

MAYOR KATZ RETURNED TO PRESIDE OVER THE MEETING AT 9:14 P.M.

5. Resolution Requesting That the Maryland Department of Transportation Include an Analysis of the Kentlands Alignment of the Corridor Cities Transitway in the Environmental Assessment of the I-270/US 15 Multi Modal Corridor Study so the Kentlands Alignment can be Considered When the Locally Preferred Alternative is Selected

Assistant City Manager Felton stated that during the Kentlands Boulevard Commercial District Charrette, there was significant public support for the Kentlands alignment. Staff was directed to revise language in the 4th and 5th whereas of the resolution to read: to serve the Kentlands Boulevard Commercial District and the greater Gaithersburg community.

Motion was made by Council Member Schlichting, seconded by, Council Member Marraffa, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL REQUESTING THAT THE MARYLAND DEPARTMENT OF TRANSPORTATION INCLUDE AN ANALYSIS OF THE KENTLANDS ALIGNMENT OF THE CORRIDOR CITIES TRANSITWAY IN THE ENVIRONMENTAL ASSESSMENT OF THE I-270/US 15 MULTI MODAL CORRIDOR STUDY SO THE KENTLANDS ALIGNMENT CAN BE CONSIDERED WHEN THE LOCALLY PREFERRED ALTERNATIVE IS SELECTED (Resolution No. R-119-07), be approved.

Vote: 5-0

6. Resolution Awarding Matching Grants

This resolution authorized the City Manager to award matching grants to the Relda Square Homeowners Association for repaving (\$1,750) and Kentlands Condominiums for landscaping (\$1,750), upon determining that the projects are completed as proposed, in the total amount of Three Thousand Five Hundred Dollars (\$3,500); said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Sesma, seconded by, Council Member Alster, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AWARDING MATCHING GRANTS TO RELDA SQUARE HOMEOWNERS ASSOCIATION AND KENTLANDS CONDOMINIUMS II (Resolution No. R-120-07), be approved.

Vote: 5-0

XIII. POLICY DISCUSSION

1. T- 381

P&CA Director Ossont stated that a joint public hearing was held on September 4, 2007. The Planning Commission made its recommendation on October 3, 2007. The Mayor and City Council record was held open until October 8, 2007, and is now closed. He further stated that the proposed text amendment would allow for the Mayor and City Council to grant a height waiver in the Commercial District only to allow one additional story, not to exceed five (5) stories or sixty (60) feet. The Planning Commission noted during their review, that construction practices, techniques and building code changes that allow structures to be built taller, have occurred since the adoption of the Frederick Avenue Master Plan. The Commission also noted that the other two districts in the Frederick Avenue Corridor already had height waiver mechanisms and that each waiver application should be evaluated on a case-by-case basis.

Motion was made by Council Member Edens, seconded by, Council Member Marraffa, that **T- 381**, AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE (CITY ZONING ORDINANCE), ARTICLE III, DIVISION 22, §24-160G.5, ENTITLED "WAIVER OF DEVELOPMENT STANDARDS" SO AS TO AMEND §24-160G.5(A) SO THAT THE CITY COUNCIL MAY, BY RESOLUTION, WAIVE THE BUILDING AND STRUCTURE HEIGHT REQUIREMENTS IN ANY DISTRICT IN THE CORRIDOR DEVELOPMENT ZONE (CD ZONE) AS FOLLOWS: FOR A COMMERCIAL DISTRICT TO ALLOW A HEIGHT NOT TO EXCEED FIVE (5) STORIES, OR SIXTY (60) FEET (Ordinance No. O-15-07), be approved.

Vote: 5-0

2. T-382

P&CA Director Ossont stated that a joint public hearing was held on September 10, 2007. On October 3, 2007, the Planning Commission unanimously recommended approval of T-382. He further stated that the City's Economic Development Committee reviewed the text amendment and expressed support for the proposed ordinance.

Motion was made by Council Member Marraffa, seconded by, Council Member Sesma, that **T-382**, AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE (CITY ZONING ORDINANCE), ARTICLE III, "REGULATIONS APPLICABLE TO PARTICULAR ZONES," DIVISION 15, "I-3, INDUSTRIAL AND OFFICE PARK," §24-143, "USES PERMITTED BY RIGHT," TO ADD NEW §§ 24-143(12) AND 24-143(13), SO AS TO ALLOW FULL SERVICE AND LIMITED SERVICE HOTELS AS PERMITTED USES IN THE I-3 ZONE IF CERTAIN CONDITIONS ARE MET (Ordinance No. O-16-07), be approved.

Vote: 5-0

3. **Z-306**

Planner Marsh stated that the application proposes up to 300,000 square feet of office development in structures between 6 to 12 stories, up to 250-300 residential units in multi-family buildings between 6 to 12 stories, and a combination of above and below ground structured parking with limited surface parking. She further stated that the Humane Society of the United States is requesting that all of the proposed density be phased so that no development would occur on the site until the Watkins Mill Road Interchange is under construction. A joint public hearing was held on September 10, 2007 and the Planning Commission recommended approval with thirteen (13) conditions on October 3, 2007.

Motion was made by Council Member Schlichting, seconded by, Council Member Edens, that **Z-306**, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GAITHERSBURG GRANTING APPROVAL FOR AMENDMENT TO PREVIOUSLY APPROVED APPLICATION Z-285 AND APPROVING A NEW SKETCH PLAN IDENTIFIED AS APPLICATION Z-306 FOR LAND, KNOWN AS THE HUMANE SOCIETY OF THE UNITED STATES PROPERTY, 700 PROFESSIONAL DRIVE, CONTAINING APPROXIMATELY 10.5 ACRES OF PROPERTY ZONED MIXED USE DEVELOPMENT (MXD) (Ordinance No. O-17-07), be approved with thirteen (13) conditions.

Vote: 5-0

XIV. **ADJOURNMENT**

There being no further business to come before this session of the City Council, the meeting was duly adjourned at 9:25 p.m.

Respectfully submitted,

Doris R. Stokes

Doris R. Stokes
Executive Assistant