

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:
April 7, 2008

CALL TO PODIUM:

Greg Ossont

RESPONSIBLE STAFF:

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

Rob Robinson, Planner

AGENDA ITEM:

(please check one)

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

PUBLIC HEARING HISTORY:

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

Introduced	
Advertised	3/19/2008
	3/26/2008
Hearing Date	4/07/2008
Record Held Open	
Policy Discussion	

TITLE: Text Amendment T-383

JOINT PUBLIC HEARING – T-383 – An ordinance to amend Chapter 24 of the City Code (City Zoning Ordinance), Article IX, entitled, “Signs,” § 24-109, entitled, “Definitions, Signs,” and § 24-212, entitled, “Commercial and Industrial Signs,” so as to create a definition for Mixed Use Town Centers and to establish certain requirements within Mixed Use Town Centers adopted by resolution of the Mayor and City Council.

SUPPORTING BACKGROUND:

There are a number of significant development projects in the City of Gaithersburg. Four projects, Watkins Mill Town Center, the Spectrum at Watkins Mill Town Center, Kentlands Boulevard Special Study Area, and Aventiene (Crown Farm) all have significant commercial centers with a mix of uses.

The existing City Sign Ordinance was designed to cover a wide range of signage throughout the City and does not take specific projects into consideration. However, the ordinance does not note specific design guidelines for the Central Business District and Corridor Development zones. Further, the design guidelines for these zones are incorporated into the sign ordinance by reference and control if there is a conflict between the code and the design guideline.

In reviewing the draft design guidelines for these projects, it was noted that the City’s sign ordinance inhibits the creativity of retail signage, way finding and other visual elements of these projects. Staff believes that it would be advantageous and appropriate for Mixed Use Town Centers in the MXD Zone that are subject to development plans and design guidelines adopted by resolution by the Mayor and City Council to be treated in the same manner as the Central Business District and Corridor Development Zones.

Attachments: Index of Memoranda and Exhibits

DESIRED OUTCOME:

Conduct Public Hearing

Staff recommends the Planning Commission hold the record until 5 PM on April 25, 2008 (18 days) with anticipated recommendation on May 7, 2008.

Staff recommends the City Council hold the record open until 5 PM on May 9, 2008 (32 days) with anticipated policy discussion on May 19, 2008.

Joint Public Hearing
April 7, 2008

INDEX OF MEMORANDA

T-383

- 1) Application
- 2) Draft Ordinance: March 6, 2008
- 3) Memo from Mr. Greg Ossont, Director, Planning & Code Administration, to the City of Gaithersburg Planning Commission: February 29, 2008
- 4) Minutes of the March 5, 2008 Planning Commission Meeting
- 5) Letter to Gaithersburg *Gazette* dated March 13, 2008, requesting a Legal Ad for the March 19 & March 26, 2008, issues
- 6) Certification of Publication from the Gaithersburg *Gazette*: March 24, 2008
- 7) Notice of Joint Public Hearing mailed March 21, 2008
- 8) Notice of Joint Public Hearing mailing list

TEXT AMENDMENT TO THE ZONING ORDINANCE

In accordance with Article VIII,
Section 24-194, 195, 197, and 198 of the City Code

Application Number	<u>T-383</u>
Filing Date	<u>3/6/08</u>
P.C. Hearing	<u>4/7/08</u>
M&C Hearing	<u>4/7/08</u>
Decision	_____
Decision Date	_____

Application is hereby made to the

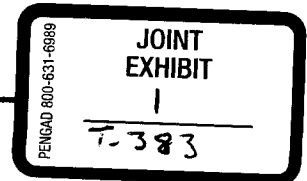
- City Planning Commission, or
- Mayor and City Council

for a change in the text of the Zoning Ordinance of the City of Gaithersburg, Maryland.

This change involves Article IX "SIGNS", Section 24-109 & 24-212
to be amended per the attached ordinance.

Applicant/Staff Person GREG OSSONT ON BEHALF OF PLANNING COMMISSION Date 3/6/08

Address _____



AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE, ENTITLED "ZONING," ARTICLE IX, ENTITLED, "SIGNS," § 24-109, ENTITLED, "DEFINITIONS, SIGNS," AND § 24-212, ENTITLED, "COMMERCIAL AND INDUSTRIAL SIGNS," SO AS TO CREATE A DEFINITION FOR MIXED USE TOWN CENTERS AND TO ESTABLISH CERTAIN REQUIREMENTS WITHIN MIXED USE TOWN CENTERS ADOPTED BY RESOLUTION OF THE MAYOR AND CITY COUNCIL

Text Amendment **T-383**

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 IX, is hereby amended to read as follows:

ARTICLE IX. SIGNS

* * * * *

Sec. 24-209. Definitions, signs.

* * * * *

Mixed Use Town Center. A physically and functionally coordinated area containing a mixture of three or more integrated land uses and shared parking facilities, whose site design process involves the creation of a development plan with locally tailored design guidelines and standards, approved by the Mayor and City Council at Schematic Development Plan review.

* * * * *

Sec. 24-212. Commercial and industrial signs.

The following regulations shall apply in the C-1, C-2, C-3, C-B, C-P, E-1, E-2, HM, R-O, I-1, I-3, I-4, and MXD Zones. Guidelines adopted for the CD₁ [and] CBD Zones, and Mixed Use Town Centers in the MXD Zone, each as may be amended by resolution, are incorporated into this Article IX and are binding pursuant to Chapter 24, Article IX of the City Code. If a conflict exists between those guidelines and the provisions of Chapter 24, Article IX, the guidelines shall control.

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
Double underlining	<i>Added by Amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
***	<i>Existing law unaffected by bill.</i>

PENGCAD 800-631-6989

JOINT EXHIBIT
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T-383

ADOPTED this _____ day of _____, 2008, 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 _____ day of _____, 2008. APPROVED by the Mayor of the City of Gaithersburg, this _____ day of _____, 2008.

SIDNEY A. KATZ, MAYOR

THIS IS TO CERTIFY that the foregoing ordinance as adopted by the City County of Gaithersburg, in public meeting assembled, on the _____ day of _____, 2008, and that the same was approved by the Mayor of the City of Gaithersburg on the _____ day of _____, 2008. This Ordinance will become effective on the _____ day of _____, 2008.

James Arnoult, Acting City Manager

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

Heading or defined term.

Added to existing law by original bill.


Deleted from existing law by original bill.

Added by Amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

MEMORANDUM TO: Planning Commission

FROM: Greg Ossont, Director
Planning and Code Administration 

DATE: February 29, 2008

SUBJECT: Sign Ordinance Text Amendment

As you are aware, there are a number of significant Mixed-Use Development (MXD) zoned projects in the planning pipeline for the City of Gaithersburg. Four projects, Watkins Mill Town Center, the Spectrum at Watkins Mill Town Center, Aventiense (Crown Farm) and the Kentlands Boulevard Commercial District Special Study Area all have significant commercial town centers with a mix of uses.

In reviewing the various design guidelines for these projects, it was noted that the City's sign ordinance inhibits the creativity of retail signage, way finding and other visual elements of these projects. The existing sign ordinance was designed to cover a wide range of signage throughout the City and does not take specific projects into consideration. However, the ordinance does include specific design guidelines for the Central Business District and Corridor Development zones. Further, the design guidelines for these zones are incorporated into the sign ordinance by reference and are controlling if there is a conflict between the code and the design guideline.

Staff believes that it would be advantageous and appropriate for Mixed Use Town Centers in the MXD Zone, that are subject to development plans and design guidelines adopted by resolution by the Mayor and City Council, to be treated in the same manner as the Central Business District and Corridor Development Zones.

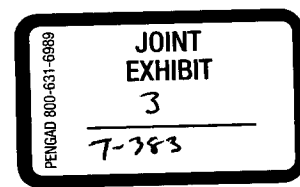
Staff will be seeking guidance at the regular meeting on March 5, 2008 to determine if the Planning Commission would like staff to draft a text amendment and advertise for a joint public hearing on the matter.

For your review I have attached the applicable code section. I hope this information is helpful. If you have any questions, please contact me directly at 301-258-6330 or gossont@gaitthersburgmd.gov

Attachments

Distribution:

- L. Pruss
- T. Schwarz
- R. Robinson
- J. Marsh
- C. Seiden
- L. Voigt
- L. Board



AMENDMENT TO FINAL PLAN APPROVAL, with the following condition:

1. A parking waiver of 14 spaces is hereby granted to the Community Clinic, Inc., only, and it shall terminate at the time of expiration of their lease and/or any subsequent lease renewals.

Vote: 5-0

VI. FROM THE COMMISSION

Commissioner Winborne

Reiterated a previous safety concern with pedestrians not utilizing the existing painted crosswalks at the Quince Orchard Road/Firstfield Road intersection, suggesting that additional safety measures be considered.

Vice-Chair Levy

Reported that excessive stacking is occurring for left-turning movements from Story Drive onto Diamondback Drive.

Chair Bauer

Inquired about the status of investigations relative to the drafting of a text amendment to address non-site plan residential changes in the R-90 Zone to create a review/approval process that is not burdensome to residents while precluding mansionization. Mr. Ossont noted that the matter could be scheduled as a discussion item at a forthcoming regular meeting of the Commission to report on how other jurisdictions are addressing the issue. He added that residents who had expressed an interest in this subject in the past would be notified.

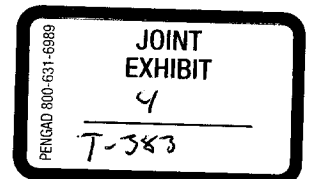
VII. FROM STAFF

Community Planning Director Schwarz

Listed upcoming joint public hearings and the regular meeting schedule for April.

Planning and Code Administration Director Ossont

Referenced his memorandum to the Commission dated February 29, 2008, requesting guidance from the Commission to address signage for upcoming significant mixed-use development-zoned projects which would include commercial town centers. He stated that in reviewing the design guidelines of these projects, it was noted that the current Sign Ordinance would inhibit creativity in retail and directional signage, as well as in other visual elements. He voiced staff's belief that a text amendment to adopt the review/approval process of the Central Business District and Corridor Development Zones would appropriately address the matter. The Commission agreed to sponsor a text amendment.





Gaithersburg
A CHARACTER COUNTS! CITY

March 13, 2008

Ashby Tanner, Law Section
The Gaithersburg Gazette
P.O. Caller 6006
Gaithersburg, Maryland 20884

Dear Ms. Tanner:

Please publish the following legal advertisement in the **March 19 and March 26, 2008**, issues of the *Gaithersburg Gazette*.

Sincerely,

Greg Ossont, Director
Planning and Code Administration

ASSIGN CODE: T-383 Acct# 133649

NOTICE OF PUBLIC HEARING

The Mayor and Council and Planning Commission of the City of Gaithersburg will conduct a joint public hearing on T-383, filed by Greg Ossont on behalf of the Planning Commission, on

**MONDAY
APRIL 7, 2008
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

The application requests to amend Chapter 24 of the City Code (City Zoning Ordinance), Article IX, entitled, "Signs," § 24-109, entitled, "Definitions, Signs," and § 24-212, entitled, "Commercial and Industrial Signs," so as to create a definition for Mixed Use Town Centers and to establish certain requirements within Mixed Use Town Centers adopted by resolution of the Mayor and City Council.

Further information may be obtained from the Department of Planning and Code Administration at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday, or visit the City's website at www.gaithersburgmd.gov.

Greg Ossont, Director
Planning and Code Administration
GO/RR/mg

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@gaitersburgmd.gov • www.gaithersburgmd.gov

MAYOR
Sidney A. Katz

COUNCIL MEMBERS
Jud Ashman
Cathy C. Drzyzgula
Henry E. Marraffa, Jr.
Ryan Spiegel
Michael A. Sesma

ACTING CITY MANA
James D. Arnoult

PENGAD 800-631-6888
**JOINT
EXHIBIT**
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T-383

The Gazette

9030 Comprint Court, Gaithersburg, Maryland 20877, 301-670-2620

CERTIFICATION OF PUBLICATION

This is to certify that the annexed Legal Advertisement has been published in the Gazette Newspapers for the number of insertions indicated below.

PUBLIC HEARING: T-383

Copy of Ad attached

Ad Order Number: 0010753299 - 1460533

Dates: Start: 03/19/08 End: 03/26/08

The Gazette Legal Advertising Department

Notary

[Seal]

Ashby Elizabeth Tanner
Notary Public, State of Maryland
Montgomery County
My Commission Expires April 6, 2010

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Greg Ossont, Director
Planning and Code Administration
GO/RR/mg

10753299

1460533

(3-19,3-26-08)

PENGAD 800-531-6989

JOINT
EXHIBIT

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T-383



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

NOTICE OF JOINT PUBLIC HEARING

The City of Gaithersburg Mayor and Council and Planning Commission will conduct a public hearing at the time and place noted below.

Meeting: MAYOR AND CITY COUNCIL
Application Type: TEXT AMENDMENT
File Number: T-383
Applicant: GREG OSSONT FOR PLANNING COMMISSION
Day/ Date/Time: MONDAY, APRIL 7, 2008 AT 7:30 P.M.
Place: COUNCIL CHAMBERS, GAITHERSBURG CITY HALL
31 SOUTH SUMMIT AVENUE

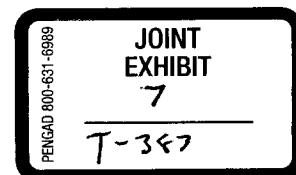
*****IMPORTANT*****

This is a proposal to amend Chapter 24 of the City Code (City Zoning Ordinance), Article IX, entitled, "Signs," § 24-109, entitled, "Definitions, Signs," and § 24-212, entitled, "Commercial and Industrial Signs," so as to create a definition for Mixed Use Town Centers and to establish certain requirements within Mixed Use Town Centers adopted by resolution of the Mayor and City Council. (A copy of the draft ordinance can be viewed at www.gaithersburgmd.gov.) This is an opportunity to publicly participate, other than providing written testimony that must be submitted before the public hearing record closes. Contact the Planning and Code Administration City Planner (listed below) at (301) 258-6330, if you should have any questions and/or to learn more about this process and your ability to offer testimony and input.

View Mayor and City Council and Planning Commission meetings live on Gaithersburg Television, Comcast Channel 13 within the City limits, or via streaming video at www.gaithersburgmd.gov/tv. Meetings are rebroadcast for one week on television, and are archived within 24 hours for viewing at any time on the City's website.

CITY OF GAITHERSBURG

By: _____
Greg Ossont, Director
Planning and Code Administration



NOTICES SENT THIS 21st DAY OF MARCH, 2008 TO:

APPLICANT AND INTERESTED PARTIES

(A list of interested parties and agencies is available in the file in the Planning and Code Administration.)

MAYOR AND COUNCIL

PLANNING COMMISSION

CITY STAFF

James D. Arnoult, Acting City Manager

Frederick J. Felton, Assistant City Manager

Tony Tomasello, Assistant City Manager

Lynn Board, City Attorney

Britta Monaco, Public Information Director

Doris Stokes, Administrative Assistant

Jeff Baldwin, City Web Administrator (via email)

RODGERS CONSULTING
19847 CENTURY BLVD
SUITE 200
GERMANTOWN MD 20874

VIKA INCORPORATED
20251 CENTURY BLVD
SUITE 400
GERMANTOWN MD 20874

STREET SENSE
4600 EAST WEST HIGHWAY
SUITE 800
BETHESDA MD 20814

BP REALTY
10000 FALLS RD
SUITE 100
POTOMAC MD 20854

THE HOK PLANNING GROUP
CANAL HOUSE
3223 GRACE ST NW
WASHINGTON DC 20007

BEATTY MANAGEMENT
6824 ELM STREET
SUITE 200
MCLEAN VA 22101

KLNB MANAGEMENT LLC
1430 JOH AVENUE
SUITE A
BALTIMORE MD 21227

SAUL CENTERS
7501 WISCONSIN AVE
SUITE 1500
BETHESDA MD 20814

CROWN VILLAGE LLC
C/O KB HOMES MARYLAND INC
800 TOWER CRESCENT DR
SUITE 13
VIENNA VA 22182

FINMARC MANAGEMENT INC
4733 BETHESDA AVE
SUITE 650
BETHESDA MD 20814

EK ARCHITECTS
DUKE ELLINGTON BLDG
2121 WARD CT NW
WASHINGTON DC 20037

LAKEFOREST MALL
ATTN: MARY ANNE JOULIETTE
MANAGEMENT OFFICE
701 RUSSELL AVENUE
GAITHERSBURG MD 20878

PEMGAD 800-631-6989

JOINT
EXHIBIT

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T-383

REGIONAL PLANNER
MD DEPT OF PLANNING
301 W PRESTON ST
BALTIMORE MD 21201-2305

MARYLAND MUNICIPAL LEAGUE
1212 WEST STREET
ANNAPOLIS MD 21401

EXECUTIVE DIRECTOR
GGCC
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GAITHERSBURG MD 20879

SUE EDWARDS
M-NCPPC
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SILVER SPRING MD 20910

MONTGOMERY CO MARYLAND
101 MONROE ST
ROCKVILLE MD 20850

MD STATE HWY ADMIN
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GREENBELT MD 20770

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GAITHERSBURG MD 20878

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GAITHERSBURG MD 20878

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8 RUSSELL AVENUE
UNIT # 202
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BENNINGTON COMM. ASSOC.
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GAITHERSBURG MD 20878

Mark Hackman
SHADY GROVE III COMM.ASSOC.
64 APPLESEED LANE
GAITHERSBURG MD 20878

Ron Heckman
NEWPORT ESTATES SEC.I
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GAITHERSBURG MD 20877

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GAITHERSBURG MD 20877

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JOAN'S HILL
108 LONGDRAFT ROAD
GAITHERSBURG MD 20878

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GAITHERSBURG MD 20877

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GAITHERSBURG MD 20877

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CORP.
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GAITHERSBURG MD 20878

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MUDDY BRANCH HOA
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GATEWAYS COMMONS HOA
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GAITHERSBURG MD 20878

Drew Pallo
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NORTH POTOMAC MD 20878

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WASHINGTONIAN TOWNS
22 PONTIAC WAY
GAITHERSBURG MD 20878

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HIDDEN ORCHARDS
716 BEACON HILL
GAITHERSBURG MD 20878

Mary Ann Sullivan
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GAITHERSBURG MD 20878

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Steven Schwartz
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