

# MAYOR & COUNCIL AGENDA COVER SHEET

**MEETING DATE:**

November 16, 2009

**CALL TO PODIUM:**

**Eliza Voigt**

**RESPONSIBLE STAFF:**

**Eliza Voigt, Planner**

**AGENDA ITEM:**

(please check one)

<input type="checkbox"/>	Presentation
<input type="checkbox"/>	Proclamation/Certificate
<input type="checkbox"/>	Appointment
<input type="checkbox"/>	Public Hearing
<input checked="" type="checkbox"/>	Historic District Commission
<input checked="" type="checkbox"/>	Consent Item
<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Policy Discussion
<input type="checkbox"/>	Work Session Discussion Item
<input type="checkbox"/>	Other:

**PUBLIC HEARING HISTORY:**

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

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

<p><b>TITLE: Extension of HAWP 106A</b></p> <p><b>HISTORIC DISTRICT COMMISSION</b>  <b>Consent Item</b>          Request for Extension of Historic Area Work Permit 106A          100 DeSellum Avenue, Gaithersburg International Latitude          Observatory Park Enhancements          Applicant – Peter Geiling, for the City of Gaithersburg</p>
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<p><b>SUPPORTING BACKGROUND:</b></p> <p>In accordance with §24-228(1)(f), the applicant is requesting a one year time extension of HAWP 106A from the Historic District Commission (HDC) . The HDC originally approved the plans for park enhancements on November 17, 2008. It should be noted that there are no changes to the originally approved historic area work permit.</p> <p>Staff recommends the HDC grant a one-year time extension for HAWP 106A, with the previously approved conditions.</p> <p><i>Attached:</i>  <i>Site location map</i>  <i>Minutes form the November 17, 2008 Historic District Commission meeting</i>  <i>Letter from Peter Geiling to Mayor Katz 10/29/09</i>  <i>Approved historic area work permit site plan</i>  <i>Relative section from code</i></p>
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<p><b>DESIRED OUTCOME:</b></p> <p><b>Grant time extension</b></p>
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# 100 DeSellum Avenue

Observatory Park - HAWP 106A



MD State Plane  
HPGN NAD 83/91

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# **Historic District Commission, 11/17/2008**

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

## **CITY OF GAITHERSBURG MINUTES OF THE NOVEMBER 17, 2008 HISTORIC DISTRICT COMMISSION MEETING**

A meeting of the Historic District Commission was called to order at 8:15 p.m., Chair Katz presiding. Commissioners present: Ashman, Drzyzgula, Marraffa, and Spiegel. Commissioner Absent: Sesma. Staff present: City Manager Jones, Planner Voigt, City Attorney Board and Executive Assistant Stokes.

### **APPROVAL OF MINUTES**

Motion was made by Commissioner Ashman, seconded by Commissioner Marraffa, that the minutes of a Historic District Commission meeting held November 3, 2008, be approved.

Vote: 5-0

### **CERTIFICATES OF APPROVAL**

#### **HAWP-106A, Applicant: Pete Geiling, for the City of Gaithersburg, 100 DeSellum Avenue, Gaithersburg International Latitude Observatory Park Enhancements**

As the Maryland Historic Trust (MHT) has an easement on the above mentioned property, the City presented proposed park improvements to the MHT Easement Committee at their August 2008 meeting. A letter of conditional approval was received from MHT. Based on the letter, staff recommended that the following condition shall apply: 1) Applicant shall meet the conditions stated by J. Rodney Little, Director, Maryland Historic Trust, in the letter dated August 14, 2008 to Mayor Sidney A. Katz.

Commissioner Drzyzgula questioned if the park would be open to the public upon completion. Planner Voigt responded that the park will be open from sunrise to sunset with programming potential.

Motion was made by Historic District Commissioner Ashman, seconded by Commissioner Drzyzgula, that the Historic District Commission grant approval of HAWP-106A with one condition as stated in the staff report and issue the

Certificate of Approval, finding based on the record before HPAC and for the reasons articulated by HPAC, that the application meets the Secretary of Interior Standards Nine.

Vote: 5-0

Commissioner Drzyzgula stated that the City is making great strides in sustainability and working on the environment in the City. She raised the issue that some goals can be seen as if they are conflicting and competing with preservation. She suggested that HPAC investigate how other jurisdictions handle similar situations and perhaps develop guidelines that would permit goals to be made more compatible and not competing. The other Commissioners concurred.

## **ADJOURNMENT**

There being no further business to come before the Historic District Commission, the meeting was duly adjourned at 8:19 p.m.



Gaithersburg

A CHARACTER COUNTS! CITY

October 29, 2009

Mayor Sydney Katz  
City of Gaithersburg Historic District Commission  
31 South Summit Avenue  
Gaithersburg, MD 20877

Re: HAWP 106A  
Gaithersburg International Latitude Observatory Park Enhancements

Dear Mayor Katz:

The purpose of this letter is to request a one year extension of HAWP 106A pursuant to Section 24-228.1 (f) of the City Code which states that *"if the work has not been completed with in one year of the date of the issuance, the certificate of approval shall expire. A time extension for one more year is permissible through written request for extension to the historic district commission."* HAWP 106A was approved by the HDC on November 17, 2008. We anticipate that the project will move forward soon. Project completion is scheduled for Spring, 2010.

Sincerely,

Peter J. Geiling, CFM  
Facilities and Capital Projects Director

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MAYOR  
Sidney A. Katz

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

CITY MANAGER  
Angel L. Jones



(2) In the event of a denial of a permit, the applicant shall receive a written notification of the reasons for such denial. An application which is identical to the denied application shall not be resubmitted within a period of one year after the denial or any appeal from such denial.

(3) Failure of the historic district commission to act on a completed application within forty-five (45) days from the date the completed application was accepted for filing, or in the event the record is held open by the commission, within fifteen (15) days after the close of the record, shall be deemed to constitute automatic approval of the proposed changes unless an extension of this forty-five (45) day period is agreed upon mutually by the applicant and the commission or the application is withdrawn. Action by the commission on a completed application as provided by this subsection shall mean: (i) actions provided for in subsection (e)(1) of this section 24-228.1; or (ii) a remand of the matter to the historic preservation advisory committee for further review and recommendation; provided, that the period of remand to the date of final decision by the commission shall not exceed ninety (90) days.

(f) If work on an approved project has not begun within six (6) months after the issuance by the historic district commission of a certificate of approval, or within time frames as stated in the approval, the certificate of approval shall expire. If the work has not been completed within one year of the date of its issuance, or within time frames stated in the approval, the certificate of approval shall expire. A time extension for one more year is permissible through written request for extension to the historic district commission. If the extension is not approved, the historic area work permit becomes null and void.

(g) *Miscellaneous provisions.*

(1) Properties subject to covenants or easements held by other historic preservation organizations shall submit proof of approval of exterior architectural review by the organizations holding the easement.

(2) The commission may acquire easements in connection with individual sites or structures, or sites or structures located in or adjacent to a designated historic district to protect such structures or sites from changes which would affect its historic, archaeological or architectural significance. The city planning commission may condition an approval of a subdivision or site development plan upon a determination by the historic district commission as to whether such easement should be acquired.

(3) Any permit issued by the city manager may be subject to such conditions imposed by the historic district commission as are reasonably necessary to assure that work in accordance with the permit shall proceed and be performed in a manner not injurious to those characteristics and qualities of the historic resource which are of historical, architectural, archaeological or cultural value.

(4) In the event that there is a conflict between the permit and the requirements of the building code, the permit will control; provided, that all health and safety requirements are met.

(5) The city manager is responsible for the enforcement of this article.

(Ord. No. O-12-96, 12-2-96)

### **Sec. 24-228.2. Historic area work permits; criteria for decision.**

(a) The historic district commission, in evaluating an application for a historic area work permit, shall consider and render its decision based on the following factors:

(1) The preservation of the historic, archaeological, or architectural significance of the site or structure and its relationship to the historic, archaeological or architectural significance of the surrounding area;