
STAFF COMMENTS FOR PLANNING COMMISSION

MEETING DATE: March 18, 2009

SUBJECT: **DRAFT OLDE TOWNE DESIGN
GUIDELINES**

TITLE: **Design Guidelines for Future
Development and Redevelopment in
Olde Towne in Accordance with The
Olde Towne Master Plan: MP-1-05**

REQUEST: **RECOMMENDATION TO M&CC**

ADDRESS: N/A

ZONE: CBD (CENTRAL BUSINESS DISTRICT)

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

STAFF PERSON: Rob Robinson, Planner

Enclosures:

Staff Comments
Index of Memorandum and Exhibits

STAFF COMMENTS

BACKGROUND:

Staff is bringing forward to the Planning Commission the draft Olde Towne Design Guidelines for recommendation to the Mayor and City Council. (Reference exhibit 1) The Gaithersburg Olde Towne District Master Plan, MP-1-05, was approved by Mayor and City Council resolution R-64-05 on July 18, 2005. The future Olde Towne envisioned in MP-1-05 would require new, expanded design guidelines, rather than the antiquated guidelines currently adopted and not developed for said plan. Included in the resolution of adoption was the following:

"Following the adoption of the Gaithersburg Olde Towne District Master Plan the City should begin formulating a collection of design guidelines for the five Planning Sectors. Concept plan proposals should go before the Planning Commission for courtesy review and comment. The Planning Commission will utilize the established design guidelines in their review of these concept plans."

Olde Towne is a diverse area with distinct traits for each sector. The development of these guidelines is often broad based to address universal conditions found within all the sectors. Project specific details, such as landscaping, will be dealt with at the site plan stage. Staff has included language in the draft guidelines allowing the Planning Commission to waive specific requirements if a proposed site plan element better furthers the intent and vision of the Olde Towne Master Plan. The draft Design Guidelines includes guidelines not currently addressed such as hardscape elements and lighting; better reflects the current state of development design techniques; and expands upon guidelines such as signage to address and clarify deficiencies found in the current adopted set.

Staff first presented the draft guidelines to the Planning Commission on January 21, 2009 as a discussion item, where the Commission provided comments. (Reference exhibit 2) Following that meeting, staff also presented the draft guidelines to the Olde Towne Advisory Committee (OTAC) on February 3, 2009 and the Historic Preservation Advisory Committee (HPAC) on February 5, 2009. (Reference exhibit 3) Both committees recommended additional modifications to the document. (Reference exhibits 4&5) Comments were also received from the public. (Reference exhibits 8&9)

Since these aforementioned meetings, staff has revised the draft document, taking into consideration all comments received. On March 5, 2009 staff presented the revised document to both the OTAC and HPAC. Both Committees have prepared memos endorsing the document and recommending adoption by the Mayor and City Council. (Reference exhibits 6&7)

CONCLUSION:

Staff is seeking a formal recommendation of approval and adoption by the Planning Commission to be transmitted to the Mayor and City Council. It is to be noted that

following any such adoption, staff would continue to work with the Commission and various committees in creating a user-friendly graphic version, such as was done with the Sign Ordinance. Any Mayor and City Council resolution would only involve written content.

Olde Towne Design Guidelines
Index of Memoranda

- Exhibit 1: Revised Draft Olde Towne Design Guidelines 3/6/09
- Exhibit 2: Planning Commission Meeting Minutes 1/21/09
- Exhibit 3: Memo to OTAC and HPAC 1/29/09
- Exhibit 4: OTAC Meeting Minutes 2/3/09
- Exhibit 5: HPAC Meeting Minutes 2/5/09
- Exhibit 6: Memo from OTAC 3/13/09
- Exhibit 7: Memo from HPAC 3/13/09
- Exhibit 8: Comments Received from Ms. Fliegel 2/1/09
- Exhibit 9: Correspondence from Ms. Fliegel

Olde Towne Design Guidelines:

The Olde Towne District is the City of Gaithersburg's focus of historical identity and distinctive in character. Olde Towne celebrates and reconnects with Gaithersburg's heritage through buildings such as the train station and Belt building. The vision for the 21st Century Olde Towne is to be a place for living, working, shopping, and entertainment in a lively, safe, and diverse community environment.

The purpose of the Olde Towne Design Guidelines is to establish criteria for implementing the vision defined by the Olde Towne Master Plan for the overall redevelopment of the district. The Guidelines allow diverse, various future and existing projects to blend and succeed; resulting in a vibrant, pedestrian-friendly urban center while preserving Olde Towne's historic character and charm. Olde Towne redevelopment projects will be evaluated on the degree to which the project demonstrates compliance with the intent of the design guidelines and the goals of the Olde Towne Master Plan. These guidelines are not intended to serve as a tool for Historic Preservation. Those projects whose review includes the issuance of a Historic Area Work Permit are to follow the City's preservation requirements.

The Design Guidelines provide a framework of requirements providing direction on the qualitative aspects of a development project. The guidelines will be used during the City's development review process to encourage the highest level of design quality, while at the same time providing flexibility in their application to specific projects. Not all guidelines may be applicable to an individual project with innovative and otherwise preferable design concepts, or based upon unique project site characteristics. Alternative measures (architecture and materials) may be considered if the measures meet or exceed the intent of the design guidelines and further the goals of the adopted Master Plan. The Planning Commission has the authority to waive specific guidelines if they so deem it will further the goals of the adopted Master Plan. Any design aspects not addressed in these guidelines are to conform to the established requirements laid forth in the City of Gaithersburg City Code and any applicable adopted City regulations.

DESIGN FEATURES:

New buildings and additions should not imitate historic buildings, but should be compatible with them. Designs that are contemporary interpretations of traditional Olde Towne building features may be considered and incorporated, such as the use of flat roofs with parapet walls and the incorporation of arcade structures. New developments should express uniqueness in form and should be designed specifically for the particular building site within the context of Olde Towne, such as the new City of Gaithersburg Youth Center and not as a generic building design type that may be found anywhere. New projects should strive to incorporate all aspects of sustainable design, from orientation of buildings; to the construction materials used; to energy efficient components and features.

SITE PLANNING

BUILDING SITING:

- Front setback lines shall be located 0 to 10 feet from the property lines, unless the setback is pedestrian-oriented and contributes to the quality and character of the streetscape, benefiting the public realm or in accordance with § 24-160F.4 of the City Code. (Ex. 2)
- Orient the primary facade and locate the primary entrance toward the public street unless the function precludes it. Secondary entrances are encouraged to be included in all designs.
- Design street corner buildings so they address the corner by placing the main building entrance at the intersection, wherever possible.

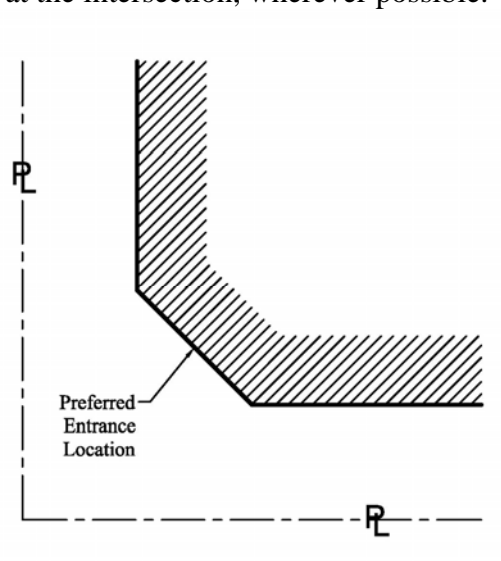


Exhibit 1¹

FENCES AND WALLS:

- The colors and materials of screening fences and walls should be consistent with and complement the architectural style of the adjoining building
- Terraces adjoining a street or pedestrian walkway may have a hedge or low wall not to exceed three feet in height, constructed of pre-cast stamped / decorative concrete or brick.

¹ All exhibits and photographs in this document are for illustrative purposes only and are not in and of themselves guidelines

- Dumpsters must be screened on all sides with complementary materials to the building(s) served.
- Chain-link or vinyl fencing is not permitted when visible from the public right-of-way associated with public roads.
- Posts within fencing or wall sections should be capped.
- Smooth face concrete masonry units (CMU) are not allowed as decorative, screening, or retaining walls unless faced with either stone or brick or of an architectural nature.
- Planters may be incorporated into and used as decorative screening walls.
- If parking is adjacent to a public right-of-way, screen the lot vehicles with a low wall, fence, or hedge.
- Retaining walls are to be decorative in appearance, faced with either stone or brick. Wooden railroad and landscaping ties are not allowed.
- Ceremonial or decorative gates and accent fencing is allowed and should be in keeping with the scale and style of the project.

LIGHTING:

- Lighting in Olde Towne should illuminate façades, entrances and signage. The intent is to provide well lit areas fostering a lively pedestrian environment, while providing public safety.
- Lighting should be designed to enhance the aesthetic appeal of the buildings.
- Any colored lighting schemes should provide continuity and complement adjacent building lighting.
- Building, parking, and signage lighting must be indirect.
- Shaded gooseneck lamps are encouraged for exterior building and sign illumination.
- Wall-mounted light fixtures are not allowed to extend above the height of the wall to which the fixtures are mounted.
- The use of wall sconces, lanterns, or other lighting to delineate building entrances is encouraged.
- Street lighting proposed within any public ROW, will be of a type approved by the Department of Public Works

PARKING:

- Locate parking behind buildings or in the interior of lots.
- Structured parking is encouraged.
- Structured parking should be context sensitive in design and appearance with comparable building materials used. The access points should be well marked and defined with the openings proportional to the building design.
- Parking sites should provide areas dedicated for public bicycle and motorcycle parking.
- Surface parking areas are to be buffered from public sidewalks or streets through the use of screen walls and/or landscaping.

- Parking, both structured and surface, should foster interconnectedness among properties within Olde Towne.
- Vias that give pedestrians access to the streets from parking areas located behind buildings and have non-residential uses facing them are encouraged.

STREETSCAPE & LANDSCAPING:

- A continuous overhead cover, offering adequate pedestrian protection from the elements, should be provided along right-of-ways. This may be accomplished by combining projections from buildings (awnings and canopies); an open, to the street, arcade; or the planting of street trees.
- Appropriately wide sidewalks should be provided from corner to corner along all property lines fronting roads and alleys.
- New utility upgrades and services to properties should be installed below ground.
- Tree wells for street trees are to have a minimum dimension of five by five feet.
- Appropriate landscaping for tree wells is encouraged.
- Decorative metal fencing, with a minimum of eight inches in height, bordering tree wells is encouraged. Tree grates are not allowed.
- The inclusion of “Green Streets” design elements is encouraged.
- The ability to provide for outdoor seating, subject to the Americans with Disabilities Act (ADA) compliance, is encouraged.
- Landscape elements, such as the use of decorative planters, should be included in all project designs.
- Landscaping should be context sensitive, in design and the plant material diversity, to the site and situation of the project, with an emphasis on native, non-invasive species.

HARDSCAPE ELEMENTS:

- Developments should incorporate enhanced transit stops and shelters into their design.
- Developments are encouraged to provide, and site appropriately, hardscape amenities which may include benches, trash receptacles, wayfinding signs, and bicycle racks.
- The inclusion of public art is encouraged, subject to approval of the Art in Public Places Committee.
- Decorative and permeable pavings are encouraged, subject to DPW approval.

ARCHITECTURE

ELEVATIONS:

- The principal building façade or one that faces a public street is to have a base, middle, and a top. This should be accomplished through the use of color, the arrangement of façade elements, or a change in materials. (Ex. 2)
- Doors at entryways should be designed to not interfere with pedestrian movement on adjacent sidewalks.
- 360-degree architecture, where all sides of a building have been detailed to complement the primary façade in architecture, massing, and materials is encouraged.
- Buildings should include articulation of the façade using architectural techniques. A building with more than 50 feet of street frontage must provide articulation.
- Break-up front façade massing with vertical and horizontal articulation through variation in the wall plane (defined by recesses and reveals), placement of window and door openings, or divisions/ breaks in building materials.
- Recessed or projecting entries, for articulation, in ground level frontage are encouraged.
- Floor-to-floor heights above the first story should appear to be similar with first floor non-residential uses providing pedestrian scaled architecture. (Ex. 2)
- The use of corporate “chain/prototype” architecture is not allowed. Corporate tenants should design their buildings to address the scale and character of Olde Towne.
- Changes in vertical plane are encouraged at places in exterior walls where floor-to-roof control joints are required.
- Mechanical louvers for exhaust are to be sited/positioned so as not to impact the pedestrian environment, when facing walks.
- Architectural features, such as lintels, are to be integral to the façade wall and not “added on”.

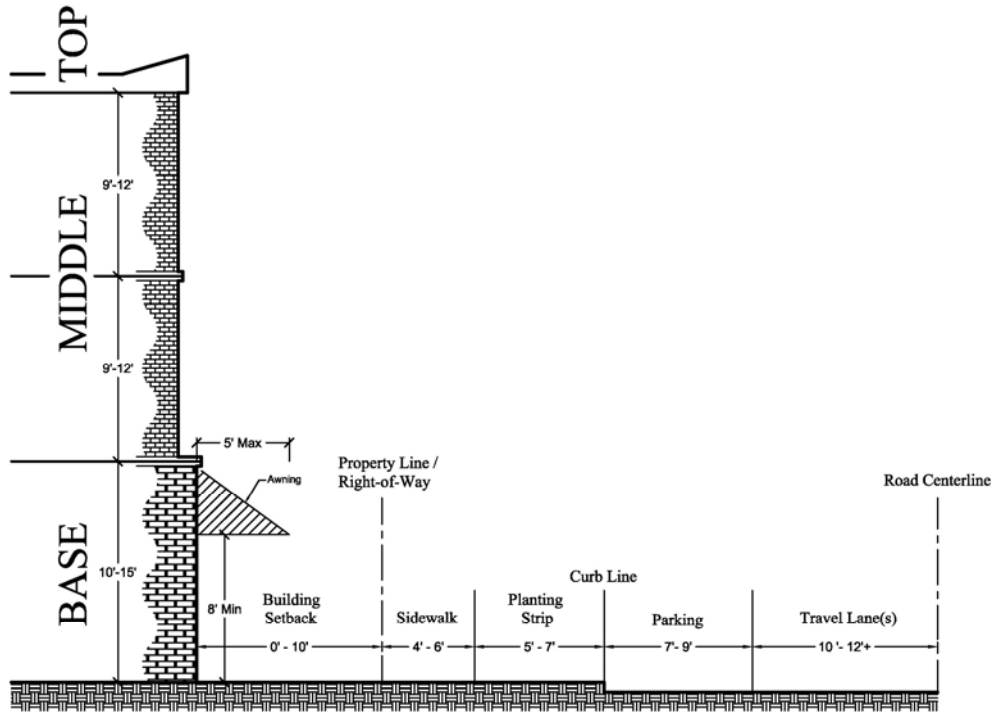


Exhibit 2

MATERIALS:

- Utilize building materials that have a human scale. Traditional materials including wood, brick, stone (including cast stone), fiber cement siding, synthetic wood, and stucco should be used as the primary building materials.
- Tile, stone, glass block, copper flashing, metal and wood should be considered for accent materials.
- Concrete block/ masonry units are not allowed to be the predominate material on façades or sides of buildings fronting public right of ways.
- Aluminum, vinyl or fiberglass siding is not allowed.
- Larger blank panels, such as precast concrete, cementitious fiberboard, or smooth stucco, are to avoid blank walls by incorporating additional architectural details or textures.
- Decorative metal panels are permitted.
- Material changes are to occur at intersecting planes to appear substantial and integral to the façade.
- Do not change materials or colors at the outside corners of structures.
- In general, lighter weight materials should be located above heavier materials rather than below them.
- Cornices should be used on multi-story buildings to help define an elevation.

ROOFS:

- Roof lines should be varied in height, and long horizontal roof lines should be broken up.
- Solar panels are encouraged, but should be non-visible or screened from the pedestrian scale.
- The roof of a new building should be visually compatible with the surrounding buildings.
- Pitched roofs, such as hip, mansard, gable or shed roofs are allowed.
- Roofing materials should be non-reflective, and muted colors should be used.
- Allowable roof materials include real or artificial slate (black or dark gray), architectural grade shingles, non-reflective standing seam metal, concrete tile, clay tile, and metal shingles.
- Flat roofs are preferred with parapets that articulate the rhythm of the buildings.
- Parapets should have sufficient detail, such as precast treatments, continuous banding, or projecting cornices, lintels, caps, or corner details.
- Parapets should appear integral to the roof and to turn the corner.
- Any interior side of a parapet visible from the street should be finished with the same materials and a similar level of detail as the front façade.
- All exterior mechanical equipment must be screened. Placement of mechanical equipment on rooftops or within a structure is encouraged.
- Green roofs are encouraged.

WINDOWS:

- All exterior elevations are required to have windows, unless prohibited by code.

Commercial:

- Windows may not be any closer than eighteen inches (18") to the ground, with the associated spandrel relating to the architectural style of the building in materials.
- A minimum of forty percent (40%) of the first floor façade for non-residential buildings, facing a public right of way, should be a window surface.
- The use of decorative opaque or reflective glass on first floor non-residential buildings windows is allowed, including the use of spandrel glass.
- Casement or sliding windows are encouraged for retail/ restaurant uses.
- Large glass panel units with transoms are encouraged.

Residential:

- Windows should be recessed and with mullions (when appropriate to window style) to develop shadow lines.
- Windows must be single-, double-, or triple-hung, picture, or casement windows.

- On upper floors, the windows should be vertically oriented. Arched tops, columns framing the windows and decorative lintels are encouraged.
- Circular, half-round, irregular, or elliptical accent windows are allowed. Paired quarter-round windows may be used in pairs flanking another architectural feature.
- Shutters, if used, are to be wood, synthetic wood, or vinyl and of a sufficient size to appear operable to cover the opening if both sides are closed.

GUTTERS AND DOWNSPOUTS:

- Gutters will be constructed of aluminum, galvanized metal, steel, or copper.
- Copper gutters are permitted to retain their copper color or take on a weathered patina.
- Gutters and downspouts shall be integrated into the design in terms of color, shape, and location.
- Downspouts are encouraged to be located at the rear of the building unless required by specific conditions to be located elsewhere.
- Drainage design is not to create ice on walkways.

AWNINGS, BALCONIES, CANOPIES:

- Awnings and balconies may project no more than five feet (5') from the building façade. (Ex. 2)
- Awnings, balconies, covered arcades, and canopies may project into the public ROW, provided an easement has been granted.
- An architectural cornice or similar roof treatment must accompany any flat roof over an entry portico or porch.
- A parapet will be used to edge any flat roof when used as an exterior deck and accessed from the interior of the building.
- Balconies projecting from any story above ground level are permitted on any façade.
- Undersides of balconies shall be finished.
- Balconies may be constructed of metal, synthetic materials, or pressure treated wood, but must be complementary to the building material of the façade to which they are attached.
- Railings in design and construction are to be complementary to the building materials of the structure attached.
- Covered arcades should be complementary in material and color to the main structure on which they are attached.
- Canopy materials should be complementary in material and color to the main structure on which they are attached.
- Awnings should be of a durable, water repellent and fire-fade resistant commercial grade fabric, canvas or similar material having a matte finish. Plastic or fiberglass awnings are not allowed.

- Awnings may not be backlit.
- Awnings may be retractable.
- For pedestrian scaled visual variety, the use of the same unbroken awning across multiple storefronts or buildings is not allowed. Long expanses of awning should be broken into segments and relate to a window or door opening beneath them.
- The structural supports of the awning should be finished to match or complement the awning fabric.
- Awnings should be mounted above display windows or entrances and below the cornice or second story window sills.
- Awnings (including the supporting structure), balconies, covered arcades, and canopies must be at least eight feet (8') above the sidewalk at the lowest point.

SIGNAGE

SIGNS:

The following guidelines will be applicable to the CBD zone only and are binding pursuant to Chapter 24, Article IX of the City Code. If a conflict exists between these guidelines and the provisions of Chapter 24, Article IX, the guidelines shall control. Sign elements not specifically addressed by these guidelines will adhere to the provisions of Chapter 24, Article IX

General Provisions

- A sign must be subordinate to the overall building composition.
- Multi-commercial tenant and/or multi-use developments are to submit a comprehensive sign package for Planning Commission approval at the time of Final Site Plan.
- Multi-story, multi-family buildings shall submit a comprehensive sign package for Planning Commission approval.
- All signs, with the exception as noted, are to be externally illuminated. Gooseneck style down-lighting is the preferred method.
- No sign may be located on that portion of a commercial or industrial building or structure facing abutting residentially improved property which are not separated by an improved public road from the property upon which said signs are located, except where the Planning Commission finds that an unlighted sign is compatible with the design principles of the building and residential area.
- Signs featuring icons - including, but not limited to, icons in the form of any product, person, or logo - are allowed without Planning Commission review.
- Sign materials and color schemes shall be compatible with that of the building facade. Painted wood and metal are appropriate materials. Unfinished materials, including unpainted wood, are not allowed.
- In general sign materials should complement the style and materials of the building
- No sign shall have a vertical height projecting above the roofline or parapet wall.
- Signs shall be professionally constructed of durable materials.

Wall and Window Mounted Signs

- The amount of all sign square footage together on one façade cannot exceed 10% of the total non-residential related facade square footage.
- A sign shall be in scale with the façade to which it is associated.
- Sign location on a building should emphasize design elements of the façade itself and shall not obscure architectural details or features.
- Wall Mounted Signage within 20 feet (but not less than 12 feet) of a public street curb-edge is permitted to use internally illuminated channel letters not greater than twelve inches in height, subject to approval by the Planning Commission.
- Projecting (blade) signs are allowed.
- There is a limit of one projecting sign per façade, per tenant, facing a public road.
- Projecting signs shall not extend vertically above the wall mounted sign height line of the façade upon which it is mounted.
- Projecting signs shall maintain a minimum vertical distance of eight feet (8') above any sidewalk.
- Projecting signs shall not be greater than twenty-four square feet in total area measured by sign height by horizontal distance from building face to outermost sign edge.
- The maximum horizontal projection from the building face is four feet. The maximum distance between the projecting sign and building face is one foot.

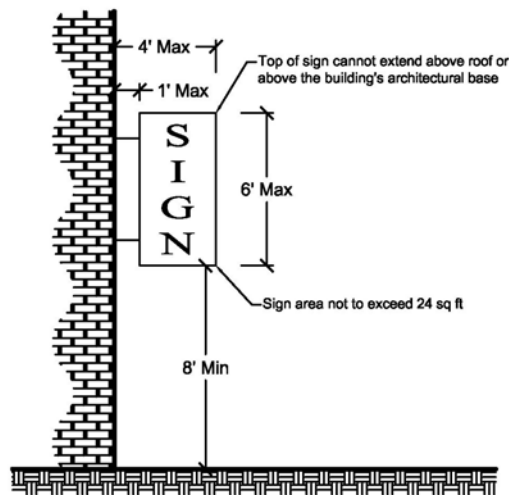


Exhibit 3

- Projecting signs cannot block or obscure sign details, windows or cornices of the building upon which they are placed.
- Projecting signs shall not be internally illuminated and must be constructed of painted wood or metal or a synthetic substitute. Unfinished materials, including unpainted wood, are not allowed.
- Projecting signs can project into the public ROW.
- Signs on awnings or canopies shall not exceed 24 inches in letter height.
- An integrated window sign is permitted and may be either painted or etched.

- An integrated window sign may not cover more than twenty-five percent (25%) of the total window area.
- Glass etching is the preferred Window Sign treatment.
- Neon signs placed inside windows may not cover more than twenty-five percent (25%) of the total window area.

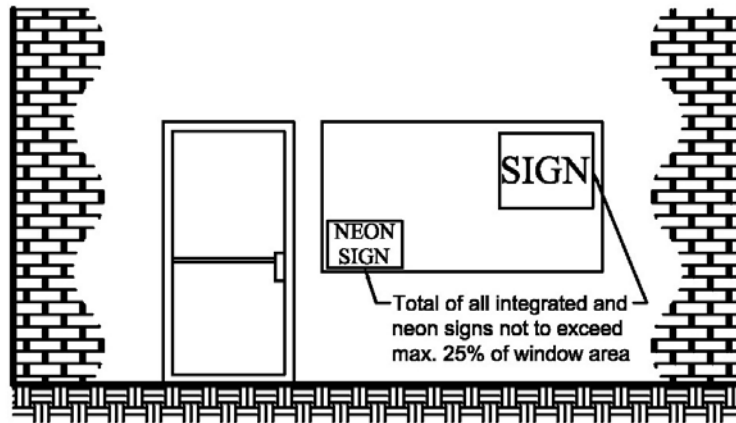


Exhibit 4

- Exterior neon signage is permitted, subject to Planning Commission review and approval.
- Individual building addresses should be visible from the street.
- Painted signs on blank walls were common historically and are allowed on masonry façades only and must comply with the provisions of §24-212 (c)(1).

Freestanding Signs

- Monument style signs shall be designed with a solid base at least as wide as the sign itself.
- Monument style sign applications shall be accompanied by a landscape plan incorporating a variety of native and non-invasive plant species which provide sufficient landscaping to screen the base of the sign. When site conditions preclude the provision of landscaping, the base of the sign must be constructed of masonry materials.
- Monument signs shall not be greater in size than thirty-six (36) square feet, calculated by multiplying total width by total height from grade to top, with a maximum height of six feet.

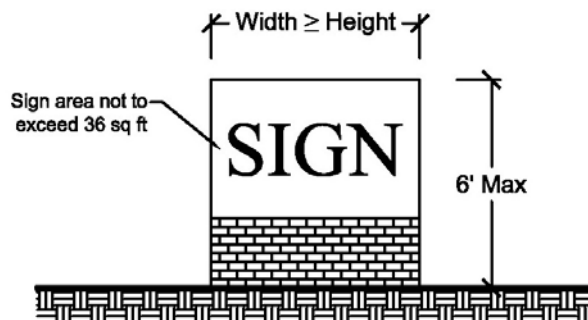


Exhibit 5

- Monument signs are to include the property's street address.
- The use of "A" frame signage on streets is encouraged and must comply with the 10% allowable signage.

GLOSSARY:

Arcade

A covered passageway, especially one with shops along the sides



Articulation

Architectural composition in which elements and parts of the building are expressed logically, distinctly, and consistently, with clear joints.

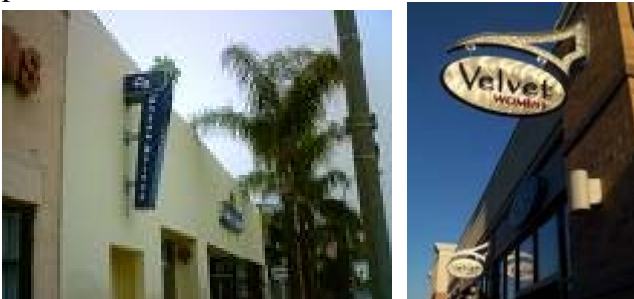
Awning

A shelter supported entirely from the exterior wall or window frame of a building.



Blade/ Projecting Sign

A non-electric sign hanging beneath a canopy and/or attached to the face of a building or post.



Canopy

A roof structure extending from the front of a building over a sidewalk or walkway which may be wholly or partially supported by columns, poles, or braces extending from the ground.



Canopy Sign

Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.



Casement Window

A window that is attached to its frame by one or more hinges.



Chain/Prototype Architecture

Standardized architecture associated with specific corporate entities. Design is not unique to the site and situation of the project.

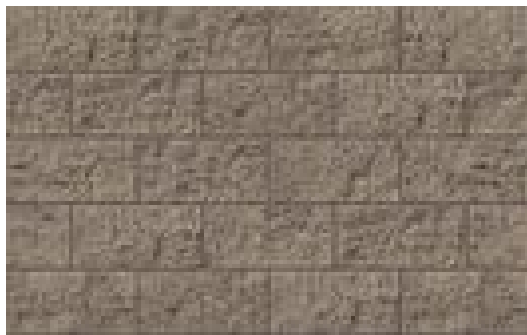


Concrete Masonry Unit (CMU)

A large rectangular brick used in construction. Concrete blocks are made from cast concrete.



Discouraged:



Encouraged:

Cornice

The cornice is the uppermost section of moldings along the top of a wall or just below a roof.



Double Hung Window

Consists of two window sashes (i.e., panes of glass), one on top, one on the bottom.



Façade

The face of a building from the ground to the roofline



Gable

A very triangular roof, the gable allows rain and snow to run off easily.

Green Roof

Roofing with alternative surfaces that replace conventional construction materials and include a protective covering of planting media and vegetation to reduce impervious cover and more closely mimic natural hydrology.



Green Streets

Streets designed with landscaped areas that capture, filter and allow for infiltration of stormwater runoff.



Gooseneck Lights

Lights used to light a sign, canopy, or awning. Typically these lights extend from the building wall above a sign and are used to illuminate the sign.



Hip Roof

A type of roof containing sloping planes of the same pitch on each of four sides. A hip roof contains no gables.

Lintel

A heavy horizontal beam of wood or stone over an opening of a door or window to support the weight above it. May be aesthetic in nature only.

**Mansard Roof**

A four-sided roof having a double slope on all sides, with the lower slope much steeper than the upper.

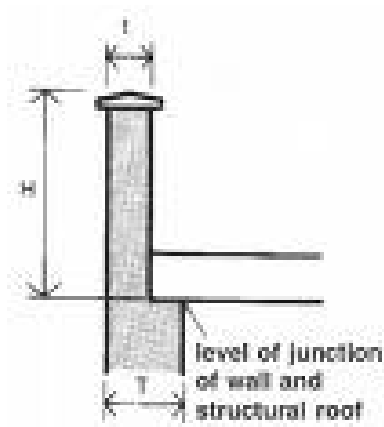
Mullion

An element that divides adjacent window units.



Parapet

A false front or wall extension above the roofline of a principal building.



Permeable Paving

A term used to describe paving methods for roads, parking lots and walkways that allow the movement of water and air around the paving material. They allow precipitation to percolate through areas that would traditionally be impervious and instead infiltrate the stormwater through to the soil below.

Shed Roof

A roof containing only one sloping plane. Has no hips, ridges, valleys or gables.

Single Hung Window

Consists of a single pane of glass that covers the entire window space and does not move.

Spandrel

Typically the low panels made of wood, metal or masonry that create a wall below shop windows. In a building with more than one floor, indicates the space between the top of the window in one story and the sill of the window in the story above.

Spandrel Glass

An opaque glass used in windows and curtain walls to conceal spandrel beams, columns, or other internal construction.



Transom Window

A transom window is the window over the crosspiece separating a door or the like from a window or fanlight above it.



Tree Well Fencing

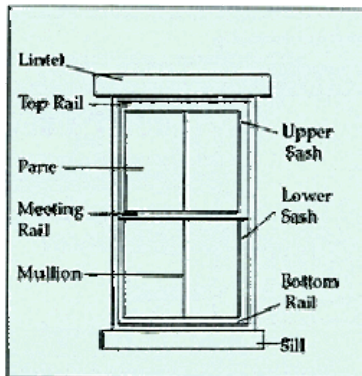


Triple Hung Window

Consists of three window sashes (i.e., panes of glass), one on top, one on the middle, one on the bottom.



Windows



IV. CONSENT ITEMS

- | | |
|---|-----------------|
| <p>AFP-07-045 -- Seneca Creek Community Church 13 Firstfield Road Reuse from Office to Church EXTENSION OF FINAL PLAN APPROVAL</p> | <p>E-1 Zone</p> |
| <p>SP-08-0001 -- Archstone at Olde Towne Gaithersburg 320-408 East Diamond Avenue Redevelopment of 7 Parcels and Public Alley EXTENSION OF FINAL PLAN APPROVAL</p> | <p>CBD Zone</p> |

Vice-Chair Winborne moved, seconded by Commissioner Kaufman, to APPROVE the Consent Agenda.
Vote: 5-0

V. DISCUSSION

Draft Olde Towne Guidelines

Planner Robinson provided a brief background, noting the current design guidelines for Olde Towne were based on the Downtown Plan, revised in 1996. He added that the draft guidelines that are the subject of the review this evening are being developed in response to the 2005 Olde Towne District Master Plan (MP-1-05), which called for the formulation of new guidelines for the five Planning Sectors in MP-1-05. He presented and compared the overall 1996 and 2005 Olde Towne Plans, noting the latter called for a larger scale redevelopment to mixed multi-story uses, whereas the earlier plan had much smaller uses that were more residential in character.

Chair Bauer recommended separating site plan-related guidelines from those that are architectural in nature, as well as those dealing with preservation. Commissioner Hopkins stressed the importance that at the start, the proposed document tell a story that evidences the uniqueness of Olde Towne, giving examples, e.g., the Train Station with its quality overhang, so as to provide a context within which an energized vision of the quality of features and signature structures is given. Commissioner Hopkins also emphasized the need for utilizing drawings, diagrams, and photographs to best exemplify the details of buildings, sidewalks, etc., that would fit within the context of the area, and, particularly, when stipulating dimensions might be too limiting to show the appropriate scale.

The Commission provided guidance as to the siting of buildings, identification of transition areas, and streetscape. Commissioner Levy suggested the use of alleys for retail uses. Regarding architectural design-making strategies, Commissioner Hopkins encouraged the use of solar panels on the south and west sides of buildings. Chair Bauer called for care to preclude the impact of equipment on the streetscape. Commissioner Kaufman pointed out the importance of the functionality of the backs of buildings for access. Guidance was also given regarding storefronts, roofing, and materials, as well as signage, retaining walls, parking, landscaping, and lighting. Regarding the latter, Commissioner Hopkins recommended using photographs to provide a vision of the pedestrian scale that is sought to provide a lively atmosphere.

In terms of exterior elements, Commissioner Hopkins called for attention to recycling of non-toxic materials and durability and green building issues. He additionally suggested language relating to native, non-invasive planting species. Commissioner Levy also suggested language regarding Public Art.

Mr. Robinson indicated the revised draft would also be reviewed by the Olde Towne Advisory Committee and the Historic Preservation Advisory Committee (HPAC) before bringing it back to the Planning Commission for recommendation to the City Council.

VI. FROM THE COMMISSION

Vice-Chair Winborne

1. Voiced the Commission's well wishes for HPAC Chair Richard Arkin's and former Planning Commission Chair Blanche Keller's prompt recovery.
2. Thanked his fellow Commissioners for electing him as vice-chair to the Planning Commission, and John Bauer and Lenny Levy for their services to the City.

Commissioner Hopkins

1. Voiced his excitement over the emphasis of the new Federal Administration on energy efficiency building practices, noting he would hope this would provide an opportunity to revisit building retrofits and energy efficiency upgrades within the City.
2. Congratulated John Bauer and Danny Winborne on their being elected Chair and Vice Chair to the Planning Commission. Commissioners Levy and Kaufman, and Alternate Commissioner Lanier echoed Commissioner Hopkins's congratulatory comments.

Commissioner Kaufman

Echoed Commissioner Hopkins's comments relating to the new Federal Administration, adding that its emphasis on infrastructure might also provide the opportunity to encourage mass transit-related projects that would include parking structures rather than parking lots.

Chair Bauer

1. Thanked the Commission for his re-election to the Commission Chair and echoed the wishes for the speedy recovery of Richard Arkin and Blanche Keller.
2. Announced the City Council would begin the process for the City's new Strategic Plan with a public hearing on Monday, January 26, and encouraged the individual Commissioners to provide input.

VII. FROM STAFF

Planning and Code Administration Director Ossont

1. Suggested providing a Strategic Plan update at the Commission's next regular meeting.
2. Referenced his memorandum to the City Council and Planning Commission regarding the County's comments on the Municipal Growth Element, MP-2-08, of the Master Plan, noting that some of those issues would be discussed at the upcoming

MEMORANDUM TO: Olde Towne Advisory Committee
Historic Preservation Advisory Committee

FROM: Rob Robinson, Planner

DATE: January 29, 2009

SUBJECT: Draft Olde Towne Design Guidelines

Staff is bringing forward to the Olde Towne Advisory Committee (OTAC) and the Historic Preservation Advisory Committee (HPAC) draft Olde Towne Design Guidelines as a discussion item. There currently exists a collection of design guidelines for Olde Towne. However, those guidelines were developed in conjunction with the 1995 Downtown Plan for the City of Gaithersburg. Since that 1996 plan, the City identified Olde Towne as a special study area for the 2003 Land Use Master Plan.

The Gaithersburg Olde Towne District Master Plan, MP-1-05, was approved by Mayor and City Council resolution R-64-05 on July 18, 2005. The future Olde Towne envisioned in MP-1-05 would require new, expanded design guidelines, rather than the antiquated guidelines currently adopted and not developed for this plan.

The draft Olde Towne Design Guidelines has incorporated those elements still applicable from the current adopted set and includes guidelines not currently addressed such as: hardscape elements and lighting; better reflects the current state of development design techniques; and expands upon guidelines such as signage to address and clarify deficiencies found in the current adopted set.

Staff is aware that Olde Towne is a diverse area with distinct traits for each sector. The development of these guidelines is often broad based to address universal conditions found within all the sectors. The guidelines will establish a framework for new projects coming into Olde Towne. Project specific details will be dealt with at the site plan stage.

Staff is seeking from the OTAC and the HPAC recommendations on the various guidelines to create a user-friendly, comprehensive illustrative document to guide Olde Towne development over the coming years. I look forward to meeting with OTAC February 3 and HPAC February 5 to discuss the guidelines and receive your comments.

If you have any questions please contact me at 301-258-6330 or rrobinson@gaitthersburgmd.gov.

Attachments
Draft Olde Towne Design Guidelines



Olde Towne Advisory Committee
Meeting Summary
February 3, 2009, 7:30 p.m.
The Gallery, City Hall

I. Introduction of City Manager Angel Jones

OTAC members and City Manager Angel Jones introduced themselves. The City Manager provided background information in regard to her previous work experience and noted the many positive traits of Gaithersburg and its citizens that influenced her decision to move to Gaithersburg. She reconfirmed her dedication to Olde Towne and the City as a whole.

II. From the Members

Larry Luhn recognized the excellent work Public Works staff continues to do in Olde Towne.

Gary Young concurred.

Chuck Blessing stated that construction crews were finishing the structural steel and decking and would then pour the concrete at 201 East Diamond Avenue.

Neville Sinclair asked if there were any plans for a hotel in Olde Towne. He believes that Enterprise Zone benefits coupled with the centrally located MARC Train Station make a very attractive package that should be promoted. It was noted that Assistant City Manager Tony Tomasello does promote these aspects of Olde Towne at economic development functions he attends, including regional and national conferences. In regard to the hotel, the master plan envisions a smaller scale, “boutique” style hotel in the longer term.

Henry Marraffa, Jr. noted that he has been encouraging OTAC to take a more active role. Henry noted that one of the biggest problems in regard to lenders is that they don’t want to get involved in projects in which the City has “no skin in the game.” Henry stressed that the City needs to incentivize developers through fee waivers, loan guarantees and other means.

Tom Rowse reported that he spoke at Monday’s M&CC meeting in regard to the need to focus on the revitalization of Olde Towne and to ensure that the City puts money in the budget to cover revitalization and marketing efforts. He also expressed concern in regard to the vacant apartments on East Diamond Avenue and stressed the need for the Archstone project to move forward.

III. Review of Olde Towne Design Guidelines

Planner Rob Robinson passed around a draft version of the newly proposed Olde Towne Design Guidelines and received input on the sections as follows:

Building Site

- Noted other areas have setbacks of 16-18 ft. to accommodate café areas in contrast to the proposed 0 to 10 ft. setback.

Fences & Walls

- Regarding CMU products, suggested adding another caveat that allows formed CMU products that are aesthetically pleasing or of “architectural nature.”
- Should specifically exclude landscaping ties as well as railroad ties.
- Vinyl fences can be quite attractive

Lighting

- Rob explained that they did not set a lumen requirement because Olde Towne was so diverse in regard to its mixture of commercial and residential uses. Projects will be reviewed on a case-by-case basis taking into account what uses are in the surrounding area.

Parking

- No comments

Streetscape & Landscaping

- Questioned feasibility of “continuous overhead cover.”
- Utilities should be underground but waiver could be requested from Planning Commission
- Tree grates can be quite attractive

Hardscape Elements

- No comments

ARCHITECTURE

Elevations

- No comments

Materials

- Discussed concerns about External Insulation Finish Systems (EIFS) which is considered a type of synthetic stucco. Think problems experienced with older EIFS materials are not an issue with the newer product.

Roofs

- No comments

Windows

- No comments

Gutters & Down Spouts

- No comments

Awnings, Balconies, Canopies

- See first bullet in “Streetscape & Landscape” section
- No additional comments

SIGNAGE

Signs

- Rob Robinson stressed the importance of carefully reviewing the sign guidelines as they are “binding pursuant to Chapter 24, Article IX of the City Code. If a conflict exists between these guidelines and the provisions of Chapter 24, Article IX, the guideline shall control.”
- Limit of one projecting sign should also hold true for monument signs if it does not already.
- Projecting signs should be allowed to project into public space only if approved and over 8 feet in height.

OTHER

Concern was expressed about noise generated from garbage dumpsters during night-time collection. Rob indicated that, though it was a valid concern, that issue is not addressed under these guidelines.

IV. “Bank on Cities” Initiative

Deferred

CITY OF GAITHERSBURG
31 South Summit Avenue
Gaithersburg, Maryland 20877

**MINUTES OF THE
HISTORIC PRESERVATION ADVISORY COMMITTEE
February 5, 2009**

Vice-Chair Warren Johnson called the meeting to order at 7:30 p.m. Committee Members present: Joseph Coratola, Warren Johnson, Clark Day, Clark Wagner and Mary Jo La France. Absent: Richard Arkin, Chair; Staff present: Eliza Voigt, Planner, Teresa Izquierdo, Recording Secretary.

I. APPROVAL OF MINUTES

Minutes of the December 4, 2008 Meeting

Motion was made by Member Wagner, seconded by Member Day, that the minutes of the December 4, 2008, Historic Preservation Advisory Committee (HPAC) meeting be approved.

VOTE: 5-0

Minutes of the January 8, 2009 Meeting

Motion was made by Member Coratola, seconded by Member La France, that the minutes of the January 8, 2009, Historic Preservation Advisory Committee (HPAC) meeting be approved.

VOTE: 3-0-2 (Wagner, Day Abstained)

II. PUBLIC HEARINGS

HAWP 61A Applicant: Joaquin Amaya
107 Chestnut Street
Two-Story Rear Residential Addition

Planner Voigt stated that this public hearing was duly advertised in the *Gaithersburg Gazette* on January 28, the property posted, and at the present time there are 19 exhibits in the record file.

Jacqueline Amaya, Applicant, 107 Chestnut Street, stated that modifications had been made to the plans for the addition based on the recommendations from the HPAC at their July 2008 meeting.

Bernard La France, 105 Chestnut Street, noted that he was present during the HPAC July 2008 meeting in which the addition plans were first presented. He has reviewed the current drawings and now favors the application and believes it is an acceptable addition.

Scott Boyle, 111 Chestnut Street, asked whether the general public was allowed to review the plans.

Member Johnson said the residents that are in the surrounding area of the property are mailed a notice of the public hearing and are informed that they can get information about the application at City Hall or on the City's webpage.

Member Wagner questioned whether Ms. Voigt felt the HPAC's recommendations outlined in the letter dated August 18, 2008 from Ms. Voigt to Mr. Amaya have been met. Ms. Voigt was comfortable that they have been addressed in the current plans for the addition.

Member La France, asked if the front entrance enclosure is allowed based on the design guidelines.

Member Coratola said the enclosure will not have an adverse affect on the structure and if the applicants were to remove it at some point, the front door could be restored.

Ms. La France was concerned over the surrounding boundary trees and wanted to know what the plan was to protect the current trees. Ms. Voigt indicated that the trees shown on the historic tree inventory will remain and this is shown on the site plan. Ms. La France recommended that a tree protection plan be in place during construction of the addition.

Ms. La France also asked about the future placement of the shed. Ms. Amaya said they intended to move the shed to the back right side.

Mr. Johnson recognized the efforts made by the applicant in completing the recommendations made by the HPAC . Mr. Johnson favors the application.

Mr. Coratola applauded the efforts of the applicant. The architect did well in regards to the massing and the proportions of the additions. Mr. Coratola agreed with keeping the shutters on the house and recommended that the windows on the second floor be spaced at a minimum of 3 ½ inches.

The motion was made by Member Coratola, to close the record of HAWP 61A, seconded by Member Wagner.

VOTE: 6-0

Member La France moved that HAWP 61A be recommended for approval, seconded by Member Day, finding the proposed alterations in compliance with the Secretary of the Interior's Standard Ten which states, "New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.". In addition, the proposed alterations are in compliance with the Secretary of the Interior's Standard Nine which states, "New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from

the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.”

The following conditions shall apply:

1. Incorporate a 3 1/2 inch mull space between the double hung windows on the second story addition; and
2. Tree protection should be used during construction.

VOTE: 6-0

III. DISCUSSION

Draft Olde Towne Design Guidelines with Rob Robinson, Planner

Rob Robinson, Planner gave a brief background regarding the Olde Towne Design Guidelines. Mr. Robinson noted that HPAC is the third committee he has consulted. He met with the Planning Commission and their comments have been incorporated into guidelines reviewed by HPAC. He also recently met with the Olde Towne Advisory Committee. Mr. Robinson plans to consolidate the comments and present a final document to HPAC in March for their endorsement. The following bullets are the comments provided by HPAC:

Overall Comments

- Agree with Planning Commission comments
- More graphics
- Simple graphics as in the Chestnut-Meem design guidelines
- Expand definitions (i.e. green roofs)

Building Siting:

- Encourage secondary entrances

Fences and Walls:

- Add “decorative caps on walls”
- Does razor wire need to be mentioned?
- Do not use vinyl fencing on dumpster enclosures (commented that pvc board is being used for dumpster enclosures)
- Include plantings, as well as hedges, as a screen
- Is there a redundancy in stating that railroad ties are not allowed?

Lighting:

- “avoid harsh lighting” may be too subjective
- Graphics opportunity for this section

Parking:

- In the 3rd bullet, add “openings/proportions to match existing building design”
- Clarify the phrase “interconnectedness” further

Streetscape/Landscape:

- Include ‘green streets’ in definitions
- Why are tree grates not allowed?

Hardscape:

- Add “Place hardscape amenities in appropriate locations”

Architecture:

- Clarify “chain/prototype architecture” further

Materials:

- In the 5th bullet, change “preformed concrete” to pre-cast concrete
- In the 1st bullet, remove “(synthetic wood)”

Windows:

- Do the mullions have to be “true” mullions or can they be interior to the panes?
- Commercial section: Add “encourage large glass panel window units with transoms”
- Residential section: In the 1st bullet , add at end “to create a punched window unit effect”

Awnings, Balconies:

- In the 1st bullet, add “provide appropriate architectural support such as brackets or columns”
- Should pressure treated wood be included as an approved balcony material?
- Add “railings should be complementary to building design”
- Add “backlit awnings are not allowed”

IV. ADOPTION OF 2008 ANNUAL REPORT AND 2009 WORK PLAN

Motion was made by Member Coratola, seconded by Member Day, that the 2008 Annual Report and the 2009 work plan be approved.

It was agreed that the annual report and 2009 work plan be presented to the Mayor and Council in May at the same time as the National Preservation Month presentation.

V. ADJOURNMENT

There being no further business to come before this meeting of the Historic Preservation Advisory Committee, the meeting was duly adjourned at approximately 9:30 p.m.

Respectfully submitted,



Teresa Izquierdo, Recording Secretary

MEMORANDUM TO: Mayor and City Council
Planning Commission

FROM: Olde Towne Advisory Committee

DATE: March 13, 2009

SUBJECT: Draft Olde Towne Design Guidelines

The Olde Towne Advisory Committee has reviewed and commented on the draft Olde Towne Design Guidelines during our February 3 and March 5, 2009 meetings. Further, City staff has incorporated our comments into the guidelines.

The Olde Towne Advisory Committee believes the draft Olde Towne Design Guidelines will be a document that will facilitate the revitalization of Olde Towne in such a way as to bring the visions and recommendations of the *Gaithersburg Olde Towne District Master Plan* to fruition. The draft guidelines also provide enough flexibility so as not to be so rigid that they would discourage revitalization.

As such, the Olde Towne Advisory Committee recommends approval and adoption of the draft Olde Towne Design Guidelines by the Mayor and City Council.

MEMORANDUM TO: Mayor & City Council
Planning Commission

FROM: Historic Preservation Advisory Commission (HPAC)

DATE: March 13, 2009

SUBJECT: Olde Towne Design Guidelines

The Historic Preservation Advisory Committee (HPAC) has reviewed and commented on the Olde Towne Design Guidelines during the February 5 and March 5, 2009 HPAC meetings.

Staff has incorporated the HPAC comments into the guidelines. The HPAC does encourage the inclusion of further graphics and sketches prior to the final production of the guidelines. The HPAC believes that the guidelines will be a useful document in helping to guide development in the Olde Towne District and will promote the historical identity and distinctive character of the area.

The HPAC recommends adoption of the Olde Towne Design Guidelines by the Mayor and City Council.

Tova F. Fliegel
115 E Diamond Ave.
Gaithersburg, MD 20901
February 1, 2009

Mayor Katz and City Council
City of Gaithersburg
31 N Summit Ave
Gaithersburg, MD 20877

Dear Mayor Katz and Council Members:

Following are comments on the current draft (attached) of the City's Old Town Guidelines, which I understand you will be reviewing within the coming weeks.

I commend staff and committee members on this effort and hope these observations and recommended refinements are helpful to them. We all want to see a revitalized Old Town with improved aesthetics while simultaneously encouraging low-impact development and environmentally friendly design.

My suggestions follow the draft guidelines to which they refer.

Thank you for your time and attention.

TFliegel

FENCES AND WALLS:

- Dumpsters must be screened on all sides with complementary materials to the building(s) it serves.
- Chain-link, vinyl, and razor wire fencing is not permitted when visible from the public right-of-way, unless required by law.

These requirements eliminate a number of options for fencing and seem to favor wood. However, wood fences form a nice flat, contiguous surface that becomes a very inviting canvas for graffiti. Wood fencing is also much more difficult to maintain and costly, especially when it comes to graffiti removal.

Given the current economics of the area, limiting options to wood fencing, iron, aluminum and, perhaps core ten will actually work at cross purposes to the goal of improving OT aesthetics by inviting vandalism and creating maintenance issues. The selection of materials needs to balance a range of considerations.

- Retaining walls are to be decorative in appearance, faced with either stone or brick. Railroad ties are not allowed.

Brick facing is impractical if applied to functional retaining walls of considerable length and height. This would include the retaining wall bordering my property and would also include the City's own retaining walls bordering Lot 5 should they need to be replaced. From an engineering perspective, it may not make sense to face walls adjacent to railroad tracks with their high vibrations in wood.

A distinction should be made between the requirements for functional retaining walls of a certain height and length and decorative retaining walls. Public Works should be consulted.

GUTTERS AND DOWNSPOUTS

I suggest the following bullet point be added or that a separate section addressing environmentally friendly storm water management design be added.

- Downspout connection to rain gardens, and the use of other bioretention techniques and devices, such as tree boxes and permeable pavers, are encouraged. Storm water recycling for use in non-potable systems, storm water filtration, and other innovative storm water management design is further encouraged.

(For clarification on rain gardens, bioretention and tree boxes, see:

http://www.lid-stormwater.net/lid_techniques.htm

http://www.lid-stormwater.net/treeboxfilter_home.htm

<http://www.montgomerycountymd.gov/Content/DEP/Rainscapes/gallery.htm>
scroll down to photos of tree boxes installed at White Oak Library)

PARKING:

- Locate parking behind buildings or in the interior of lots.
- Parking, both structured and surface, should foster interconnectedness within Olde Towne.

Use of the term “interconnectedness” is ambiguous and reaches beyond the master plan. Interconnectedness between what and what?

I suggest this be answered in planning and development terms: Is “interconnectedness” being used to promote pedestrian access or vehicular access?

As I understand it, the goal of the master plan is to create a pedestrian-friendly environment with a series of sidewalk awnings and with surface parking largely eliminated. Why then do parking lots need to be “interconnected?”

Further, I believe this bullet point carries with it liability issues for the City. Is the City going to use this vague concept to prohibit property owners from installing fencing and, in effect, legislating trespass?

The existing trespass problem, which in turn exacerbates public dumping and security problems, devalues OT properties. It benefits no one and runs directly counter to the idea of aesthetic improvement.

STREETSCAPE & LANDSCAPING:

- A continuous overhead cover, offering adequate pedestrian protection from the elements, should be provided along right-of-ways. This may be accomplished by

combining projections from buildings (awnings and canopies); an open, to the street, arcade; or the planting of street trees.

- Tree wells for street trees are to have a minimum dimension of six by six feet.
- Tree grates are not allowed.

The second and third guideline actually work against the first guideline, that is they discourage the planting of trees.

Tree wells are typically sized at 4-by-4 feet. This is because commercial sidewalks are typically 6-feet wide. Even in a situation where a commercial developer opts to create an oversized walkway, say one that is 12-by-12, a tree well mandated to be 6-by-6 feet will take up half that space. Developers and property owners need to balance space considerations with landscaping considerations and few are likely to devote 6-by-6 foot spaces to very many trees, particularly in Old Town, where space is already limited.

Developers are especially unlikely to do so if tree grates are prohibited. Even if tree wells are well mulched, they provide an opportunity for garbage to collect and are likely to be repositories for dog poo (sorry, it is what it is). Unprotected depressions in pavement such as tree wells without grates increase a developer/property owner's liability as people tend to trip over tree roots and depressions in pavement.

Tree grates are now ubiquitous for good reason. They are designed to give trees room to grow, they provide a level surface for pedestrians minimizing liability issues and increasing walkable surface area, and they are also less likely to be attractive to dogs.

Additionally, the tree boxes I referred to under "Gutters and Downspouts" are bioretention devices with built-in tree grates. Although they may never become ubiquitous, tree boxes are one more possible tool for managing storm water. I don't think the City wants to legislate against them.

There is absolutely no benefit to instituting guidelines that run counter to industry standard. In fact, it runs directly counter to the master plan.

Again, I hope this perspective is helpful.

Thank you again for your time and consideration.

TFliegel

Rob Robinson

From: Tova Fliegel [tova6@verizon.net]
Sent: Sunday, February 22, 2009 5:46 PM
To: Greg Ossont
Cc: Rob Robinson; Lynn Board
Subject: RE: Comments, Draft of OT Guidelines

I debated whether to comment on this further or to just let it go since I suspect my comments will fall on deaf ears anyway. Nevertheless, I'm going to continue to say my peace after seeing a conversation between Mr. Felton and Clarke Day on the OT List, noting its tone.

I know without a doubt that had anyone on Walker Street made a simple yes or no request for information, you would not have obfuscated or provided some coy response. I know you would not have suggested they spend their money on an application fee that will more than likely be outdated because the City continues to drag its feet on getting its stormwater off my property. I am confident your response to him would have been more than informative and would have ended politely with "I hope this information is helpful."

Yet you and the staff of the City of Gaithersburg seem unable to extend the same courtesy to others. It's exactly what happened with the drainage study. I asked every way I could think of -- "Is this the only report?" "Did you send me the full report?" -- and could get NOTHING from you. And Ms. Board stated, "It's not my job to answer questions." LOL.

It's also the same thing that happened with my recent inquiry about the OT Guidelines. My very first question was "When do you anticipate this will be approved?" Twenty questions later and only after I emailed the City Council did the word "April" emerge.

I do not expect immediate replies to my inquiries, should I choose to make them anymore. I don't even expect them the same day. I just expect I will get a useful reply within the standard business response time, not weeks later if at all. I do not have time to play 20 questions to get every small tidbit of information, and I will not be threatened, condescended to, ignored, or otherwise mistreated by anyone at the City of Gaithersburg. I don't brown nose and I could care less if someone thinks I am supposed to mollify their ego for any reason. I've been through a little too much in my life to give a hoot about anyone's ego. If any City employee treats me in any way that is unprofessional, unbusinesslike, coy, rude, obscure, or uninformative, I will call them on it every single time -- in public, if necessary.

As I see it, you are public officials. That means you get public accolades when things go right in the city and public complaints when things go wrong, and your behavior should be above reproach because while, I may not be a resident of Gaithersburg and I may not live on Walker Street, my family's taxes on not one but two properties helped pay salaries there for the past 50 years.

-----Original Message-----

From: Greg Ossont [mailto:GOssont@gaitthersburgmd.gov]
Sent: Thursday, February 12, 2009 2:49 PM
To: 'tova6@verizon.net'
Cc: Rob Robinson; Lynn Board
Subject: Re: Comments, Draft of OT Guidelines

If you would like a definitive determination on this issue I would suggest that you submit an application for review.

From: Tova Fliegel
To: Greg Ossont
Cc: Rob Robinson; Lynn Board

Sent: Thu Feb 12 14:42:02 2009

Subject: RE: Comments, Draft of OT Guidelines

Uh, yeah. Since that time I have been repeatedly told that a perimeter fence "violates the master plan." Please do not suggest this has ever been clear-cut. It's completely offensive.

Second, exactly where are you on record as saying that? You sent an email to me several years ago about it, but the subsequent October '07 Planning Commission hearing produced a much, much different statement in the public record. Now there is this very "cumbaya" idea of "interconnectedness" being thrown about.

A clear concise statement about the City's position is all I needed, not some patriarchal slap on the hand.

-----Original Message-----

From: Greg Ossont [mailto:GOssont@gaitthersburgmd.gov]

Sent: Thursday, February 12, 2009 2:35 PM

To: 'tova6@verizon.net'

Cc: Rob Robinson; Lynn Board

Subject: Re: Comments, Draft of OT Guidelines

I believe I am on record several years ago indicating that you are permitted to enclose your lot pending compliance with zoning and building requirements.

From: Tova Fliegel

To: Greg Ossont

Cc: Rob Robinson

Sent: Thu Feb 12 13:59:53 2009

Subject: RE: Comments, Draft of OT Guidelines
Should I assume it's a "no?"

It's clear to me that one planning commissioner has in his head what he thinks I should do with my property. I'm quite tempted to email him directly.

-----Original Message-----

From: Tova Fliegel [mailto:tova6@verizon.net]

Sent: Thursday, February 12, 2009 1:29 PM

To: Greg Ossont

Cc: Rob Robinson

Subject: RE: Comments, Draft of OT Guidelines

Mr. Ossont:

Wish I'd known that.

I would like to know whether or not the City will permit the installation of a perimeter fence around my property. This is a yes or no question that I have been wanting an answer to for some time.

Thank you.
TFliegel

-----Original Message-----

From: Greg Ossont [mailto:GOssont@gaitthersburgmd.gov]

Sent: Thursday, February 12, 2009 1:09 PM

To: Tova Fliegel

Cc: Rob Robinson

Subject: RE: Comments, Draft of OT Guidelines

We're going to include everything that's been submitted. We won't distinguish between drafts.

From: Tova Fliegel [mailto:tova6@verizon.net]
Sent: Thursday, February 12, 2009 12:40 PM
To: Greg Ossont
Cc: Rob Robinson
Subject: RE: Comments, Draft of OT Guidelines

This was actually a question to either one of you. Will both drafts be included or only the most recent per my request?

-----Original Message-----

From: Tova Fliegel [mailto:tova6@verizon.net]
Sent: Wednesday, February 11, 2009 4:44 PM
To: Greg Ossont
Cc: Rob Robinson; Lynn Board
Subject: RE: Comments, Draft of OT Guidelines

Thank you. I hope that multiple drafts of the same letter won't be included -- just the most recent version. As you know, I typically edit my letters to the City thoroughly before sending but did not do so with this last one. I hope only the last version is attached and I realize it also includes some errors.

Thanks again.
TFliegel

-----Original Message-----

From: Greg Ossont [mailto:GOssont@gaitthersburgmd.gov]
Sent: Wednesday, February 11, 2009 1:08 PM
To: Tova Fliegel
Cc: Rob Robinson; Lynn Board
Subject: RE: Comments, Draft of OT Guidelines

This document will make another appearance at Planning Commission after Olde Towne Advisory and HPAC comments are tabulated. Feel free to comment on the draft design guidelines at any point in the process. everything you send in will be attached for review by all reviewing this document.

From: Tova Fliegel [mailto:tova6@verizon.net]
Sent: Wednesday, February 11, 2009 11:42 AM
To: Greg Ossont
Cc: Rob Robinson; Lynn Board
Subject: RE: Comments, Draft of OT Guidelines

Dear Mr. Ossont:

Thank you for clarifying.

I apologize for seeming to repeat myself, however, I am still unclear as to the draft process. Is this document going back to the Planning Commission, then back to staff, then to the City Council? Will there be more changes to it by the time it gets to the Council? How is it routed?

Re: resolution items, I understand how they are set up and that they do not require public hearing and that is a significant part of the reason I have problems with this document. By the time something gets to the City Council as a resolution item, it is all but a done deal. There are very few instances when the Council takes the time to debate or fails to approve a resolution item. My thinking was that at least by presenting my concerns to the body approving the guidelines (the City Council) in advance, I might get them thinking.

I realize these guidelines seem like simple one-liners that people in all sincerity feel will improve OT's aesthetics and help the area live up to what they deem to be standards of good taste and appropriate development, but I see them -- small as they are -- as bordering on legislative and, frankly, I think some of the guidelines are unreasonable, likely to create more problems than they solve, running contrary to industry standard in some instances, and over-reaching the master plan. It is, in my view, a forest-for-the-trees approach.

The City's biggest obstacle to redevelopment has been and continues to be economic development. Until the rents are there to justify redevelopment, the City will at best get silos of redevelopment in OT, approved site plans that go nowhere, and construction projects that are partially complete. The second biggest obstacle to redevelopment in OT is the way the City has consistently alienated the small property owners in OT. That doesn't just happen for years or for decades, but in some cases for generations. The City does not get the participation of these individuals because there is simply nothing in it for them but heartache, frustration, and typically a loss of income. Most prefer to just fly under the radar.

I hope that my direct expression of my perceptions is not taken as an insult to any individual or collective group. They are simply my perceptions and I have been known to be wrong on at least one or two prior occasions.

That said, there is no need to respond to the last paragraphs of this email. Depending on the answers to my questions in paragraph 1, I may have some additional questions.

Thank you again for your time and patience.
TFliegel

-----Original Message-----

From: Greg Ossont

[mailto:GOssont@gaitthersburgmd.gov]

Sent: Wednesday, February 11, 2009 9:41 AM

To: Tova Fliegel

Cc: Rob Robinson; Lynn Board

Subject: RE: Comments, Draft of OT Guidelines

Tova - I think that my use of the phrase "public record" misled you. Since these design guidelines are just adopted by a resolution, there isn't a public hearing, index of memorandum and individual exhibits list created like a site plan review or rezoning or something

else that would follow that sort of "public hearing" process.

That said, we do forward all correspondence received on any matters to the M&CC regardless of what it is. So, as I noted in my previous email, we're maintaining copies of all the correspondence received regarding this particular subject and all of those comments will travel with the draft right up until it is on the M&CC's agenda later this spring.

From: Tova Fliegel [mailto:tova6@verizon.net]
Sent: Tuesday, February 10, 2009 8:54 PM
To: Greg Ossont
Cc: Rob Robinson; Lynn Board
Subject: RE: Comments, Draft of OT Guidelines

Dear Mr. Ossont:

Although I have tried to sit with this, unfortunately, I find I am still not satisfied with the response that my comments will be included in a packet to be distributed to the Council right before they approve a resolution item. I am tired of seeing matters that negatively affect my quality of life and my financial bottom line simply rubber-stamped.

I asked to submit my comments in advance for those reasons. Although I don't imagine anyone will pay much attention to what I have to say, I am still going to push to get my testimony before the Council in advance of distribution of these packets. At least, that way, I can say I've tried.

I believed there was a legal requirement that citizen comment needed to be sent to the Council and included in the public record. Is that incorrect? If it is correct, then to which email address does it need to go for that legal requirement to take effect?

Thank you.
TFliegel

-----Original Message-----

From: Greg Ossont
[mailto:GOssont@gaitthersburgmd.gov]
Sent: Monday, February 02, 2009 9:18 AM
To: Tova Fliegel
Cc: Rob Robinson; Lynn Board; Cindy Hines; Matt Peter; Cathy Drzyzgula; Henry Marraffa - External; Jud Ashman - External; Michael Sesma; Ryan Spiegel - External; Sidney Katz; Angel Jones
Subject: RE: Comments, Draft of OT Guidelines

Thank you for your comments. While there is no official public record, as this is not a public

hearing topic, Mr. Robinson will be maintaining a file and including all of the correspondence/input we receive as background material for the Planning Commission and M&CC. We don't anticipate a resolution on the M&CC's agenda until April.

From: Tova Fliegel [mailto:tova6@verizon.net]
Sent: Sunday, February 01, 2009 7:51 PM
To: Greg Ossont
Cc: Rob Robinson; Lynn Board; Cindy Hines; Matt Peter; Cathy Drzyzgula; Henry Marraffa - External; Jud Ashman - External; Michael Sesma; Ryan Spiegel - External; Sidney Katz
Subject: Comments, Draft of OT Guidelines

Dear Mr. Ossont:

Attached please find my comments on the draft guidelines along with the guidelines themselves. I have taken the liberty of copying the council members on this and would appreciate it if hard copy of these attachments could be entered into the public record. I am confident you will forward the attachments to the appropriate committees and commission members per your representations below.

Finally, I hope these are of some help in the further refinement of the OT guidelines.

Thank you.
TFliegel

-----Original Message-----

From: Greg Ossont
[mailto:GOssont@gaitthersburgmd.gov]
Sent: Thursday, January 29, 2009 1:37 PM
To: Tova Fliegel
Cc: Rob Robinson; Lynn Board; Cindy Hines
Subject: RE: Draft, OT Guidelines

This is an evolving document that will be edited and amended throughout the reviews by various boards commissions and committees. since this is not a public hearing document, there is no formal submission requirement or deadline. As such, any comments or suggested changes you have will be included as background materials for

any subsequent reviews by all of the boards, commission and committees.

Rob Robinson

From: Tova Fliegel [tova6@verizon.net]
Sent: Friday, January 30, 2009 2:12 PM
To: Rob Robinson
Cc: Lynn Board; Cindy Hines; Greg Ossont; Chris Fogleman
Subject: RE: Draft, OT Guidelines

Thank you again for your responsiveness, Mr. Robinson.

I have a question about the following:

- Parking, both structured and surface, should foster interconnectedness within Olde Towne. Is the term "interconnectedness" being applied to promote vehicular access or pedestrian access?

-----Original Message-----

From: Rob Robinson [mailto:RRobinson@gaitthersburgmd.gov]
Sent: Friday, January 30, 2009 10:06 AM
To: Tova Fliegel
Cc: Lynn Board; Cindy Hines; Greg Ossont
Subject: RE: Draft, OT Guidelines

Ms. Fliegel,

Attached are the current draft Olde Towne guidelines.

Rob Robinson III
Planner
City of Gaithersburg
V: 301-258-6330 x 2122
F: 301-258-6336

The opinions expressed in this message are not necessarily those of the City of Gaithersburg Staff, Mayor or Council.

From: Tova Fliegel [mailto:tova6@verizon.net]
Sent: Thursday, January 29, 2009 1:58 PM
To: Greg Ossont
Cc: Rob Robinson; Lynn Board; Cindy Hines
Subject: RE: Draft, OT Guidelines

Thanks to you and Mr. Robinson for your time and continued cooperation.

-----Original Message-----

From: Greg Ossont [mailto:GOssont@gaitthersburgmd.gov]
Sent: Thursday, January 29, 2009 1:37 PM
To: Tova Fliegel
Cc: Rob Robinson; Lynn Board; Cindy Hines
Subject: RE: Draft, OT Guidelines

This is an evolving document that will be edited and amended throughout the reviews by various boards commissions and committees. since this is not a public hearing document, there is no formal submission requirement or deadline. As such, any comments or suggested changes you have will be included as background materials for any subsequent reviews by all of the boards, commission and committees.

Mr. Robinson will provide you with the latest draft.

Rob Robinson

From: Tova Fliegel [tova6@verizon.net]
Sent: Thursday, January 29, 2009 9:36 AM
To: Rob Robinson
Subject: FW: Draft, OT Guidelines

Dear Mr. Robinson:

Mr. Ossont has encouraged me to contact you directly with feedback and questions on these proposed guidelines.

Regarding the idea that garbage enclosures cannot be chain link with slatted vinyl, I wonder if the City has considered the fact that wood fences are essentially an invitation to graffiti and will be much more difficult and costly when it comes to graffiti removal.

A few months ago I was cited for graffiti scrawl on my garbage enclosure and if this were to become a repeat problem due to the City's guidelines and the current economics of the area, I think you will actually be working at cross purposes to the idea of improving the aesthetics of OT.

Thank you.
TFliegel

-----Original Message-----

From: Greg Ossont [mailto:GOssont@gaitthersburgmd.gov]
Sent: Tuesday, January 27, 2009 10:09 AM
To: 'tova6@verizon.net'
Cc: 'MPeter@lgit.org'; 'CFogleman@gleason-law.com'; Lynn Board
Subject: Re: Draft, OT Guidelines

Anytime. Please submit to lead planner.

From: Tova Fliegel
To: Greg Ossont
Cc: Matthew Douglas Peter, Esquire ; Chris Fogleman ; Lynn Board
Sent: Tue Jan 27 10:01:37 2009
Subject: RE: Draft, OT Guidelines

Mr. Ossont:

At what point are these guidelines open to public comment?

Thank you.

TFliegel

-----Original Message-----

From: Greg Ossont [mailto:GOssont@gaitthersburgmd.gov]
Sent: Tuesday, January 27, 2009 9:15 AM
To: Tova Fliegel

Cc: Matthew Douglas Peter, Esquire; Chris Fogleman

Subject: RE: Draft, OT Guidelines

<< File: PC Packet.pdf >>

From: Tova Fliegel [<mailto:tova6@verizon.net>]
Sent: Tuesday, January 27, 2009 9:11 AM
To: Greg Ossont
Cc: Matthew Douglas Peter, Esquire; Chris Fogleman
Subject: Draft, OT Guidelines

Mr. Ossont:

I see that at the 1/21 Planning Commission meeting a draft of something labelled "Old Towne Guidelines" was discussed. I was not aware of any new planning guidelines being implemented for Olde Towne and, unfortunately, cannot access the PDF. I get the message "File requires repair." Could you please email me a copy of the background materials.

Thank you in advance.

TFliegel