



## Planning Commission

City Hall - Council Chambers  
31 South Summit Avenue  
Gaithersburg, MD 20877

### MINUTES Regular Session Wednesday, March 18, 2020, 7:30 PM

#### 1. CALL TO ORDER

The Regular Session of the Planning Commission was called to order at 7:30 PM with Vice Chair Philip Wessell presiding.

Attendee Name	Title	Status	Arrived
John Bauer	Chair	Absent	
Philip Wessell	Vice Chair	Present	
Matthew Hopkins	Commissioner	Present	
Lloyd Kaufman	Commissioner	Present	
Danielle Winborne	Commissioner	Present	
Sharon Cantrell	Alternate Commissioner	Absent	

Staff present: Planning & Code Administration Director Schlichting, Deputy City Attorney Johnson, Community Planning Manager Mann, and GIS Planner Eby. Acting Chair Wessell announced that due to emergency measures in response to the present COVID-19 situation to keep social distances, this meeting is conducted without the public present. He indicated that any comments related to this evening's public hearing application can be submitted in writing to the Planning Department during the record-holding period.

#### 2. APPROVAL OF MINUTES

##### A. Regular Session held February 19, 2020

Commissioner Winborne stated he was absent at the meeting, but had viewed the proceedings and reviewed all pertinent information, and is ready to vote.

*Motion was made to approve the Minutes above.*

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Lloyd Kaufman, Commissioner
<b>SECONDER:</b>	Matthew Hopkins, Commissioner
<b>FOR:</b>	Philip Wessell, Matthew Hopkins, Lloyd Kaufman, Danielle Winborne
<b>ABSENT:</b>	John Bauer, Sharon Cantrell

#### 3. RECORD PLATS

##### A. Subdivision Plat RP-7883-2018 Lot 41, Block 2, Brown's Addition (221 Cedar Ave)

*Motion was made to approve the Record Plat Agenda*

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	Danielle Winborne, Commissioner
<b>SECONDER:</b>	Lloyd Kaufman, Commissioner
<b>FOR:</b>	Philip Wessell, Matthew Hopkins, Lloyd Kaufman, Danielle Winborne
<b>ABSENT:</b>	John Bauer, Sharon Cantrell

4. **CONSENT**

A. **AFP-8435-2020: Construction of a 25 square foot rear addition to 3 Relda Court in the R-90C (Cluster Development) Zone, AMENDMENT TO FINAL SITE PLAN**

*Motion was made to approve the Consent Agenda.*

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	Danielle Winborne, Commissioner
<b>SECONDER:</b>	Lloyd Kaufman, Commissioner
<b>FOR:</b>	Philip Wessell, Matthew Hopkins, Lloyd Kaufman, Danielle Winborne
<b>ABSENT:</b>	John Bauer, Sharon Cantrell

5. **RECOMMENDATIONS TO MAYOR AND CITY COUNCIL**

A. **CTAM-8364-2019: An Ordinance to Amend Chapter 24 (City Zoning Ordinance) of the City Code, Article I, Entitled "In General," § 24-1, Entitled "Definitions," and to Repeal and Reenact Article IX, Entitled "Signs," In Its Entirety, to Comply with Recent Case Law and to Accommodate New Sign Technology and Popular Design Trends, RECOMMENDATION TO MAYOR AND CITY COUNCIL**

Planner Eby reported that a joint public hearing with the City Council on this text amendment to repeal and reenact the Sign Ordinance in its entirety, was held on February 3, 2020, and the Commission's record closed on March 9, with 18 exhibits. He provided background information and reviewed the goals of the proposed ordinance. Planner Eby discussed comments made during the public hearing, particularly regarding temporary real estate directional signs on rights-of-way, currently allowed on weekends, but prohibited by the proposed ordinance. He also discussed staff's proposed (2) options to allow them, in response to those comments. He showed pictures of sample signs, and discussed language revisions to other sections of the ordinance. He noted the City Council's record is still open.

The Commission inquired about a definition of a temporary sign, political election signs, enforcement and penalties, and a definition of a major highway. The Commission's consensus favored Option A for clarity and simplicity reasons, and supported all other language clarifications.

*Motion was made to recommend Text Amendment CTAM-8364-2019 - Sign Ordinance, with Option A, for Adoption to the Mayor and City Council.*

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	Lloyd Kaufman, Commissioner
<b>SECONDER:</b>	Danielle Winborne, Commissioner
<b>FOR:</b>	Philip Wessell, Matthew Hopkins, Lloyd Kaufman, Danielle Winborne
<b>ABSENT:</b>	John Bauer, Sharon Cantrell

**6. PUBLIC HEARINGS**

**A. ASDP-8379-2019: Crown Neighborhood Three, Convert 23 previously approved single family homes to 34 twenty-four foot townhouses in the MXD (Mixed Use Development) Zone, AMENDMENT TO SCHEMATIC DEVELOPMENT PLAN**

Community Planning Manager Mann presented this application, located the property, and provided background information about the project. He reported the City Council courtesy-reviewed the application at their February 18, 2020, Meeting, and deeming the application to have a minor effect, directed the Planning Commission to hold a public hearing and make a final decision on the proposed amendment. Manager Mann also reported there are 18 exhibits in the record file, which are available for public review in the City website or by email request to the Planning Department.

Mr. Mann noted staff is proposing to change the dates of the Commission's record-holding period and the anticipated final action, since there is no public present at this hearing, thus giving more time for public input. The proposed closing of the record is 5:00 p.m. April 8, and final action would be on April 15, 2020.

Applicant David Ramsey, VII Crown Farm Owner, presented an overall plan of Crown Farm, as well as a plan of Crown Farm III, the subject of this amendment, as it was approved at SDP and as presently proposed. He discussed the reasons for pursuing the changes, i.e., market driven, and well as advantages of this plan, including a resultant increase in open space, units facing the open area, and a three-year accelerated stabilization of the community. He added the change would include no material changes to existing infrastructure or approved architecture, and the vehicular and pedestrian connectivity remain consistent with the approved SDP. He also noted the new town homes would have the same approved 24-foot units architecture.

As Commissioner Winborne inquired about impact on school density, the Commission suggested this topic be discussed as part of the Adequate Public Facilities Ordinance analysis, when the Commission review public comments and generate a final decision. Commissioners Kaufman and Hopkins commented favorably on the proposed amendment, particularly with more emphasis on landscaping and upgraded architectural options.

*Motion was made that the public hearing record on ASDP-8379-2019 - Crown Neighborhood Three, be closed on April 8, 5:00 p.m. and final action to follow at the Planning Commission Meeting on April 15, 2020.*

<b>RESULT:</b>	<b>PASSED [UNANIMOUS]</b>
<b>MOVER:</b>	Danielle Winborne, Commissioner
<b>SECONDER:</b>	Lloyd Kaufman, Commissioner
<b>FOR:</b>	Philip Wessell, Matthew Hopkins, Lloyd Kaufman, Danielle Winborne
<b>ABSENT:</b>	John Bauer, Sharon Cantrell

**7. FROM COMMISSION**

**Kirk Eby**

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**From:** peterh@henryinvestments.com  
**Sent:** Friday, April 03, 2020 7:59 PM  
**To:** Jud Ashman; Laurie-Anne Sayles; Neil Harris; Michael Sesma; Ryan Spiegel; Robert Wu  
**Cc:** John Schlichting; Tony Tomasello; Kirk Eby  
**Subject:** Comments to the proposed City sign code revision  
**Attachments:** 2020 3 3 BP Comments to Proposed Sign Code .pdf

This email is from an EXTERNAL source. Please use caution when opening attachments, clicking links, or responding.

Dear Mayor and Members of the City Council:

We wanted to start by thanking you, as well as all the members of the City staff, for your and their work during this very stressful time. Government and its leadership are facing difficult times, as the health of both their citizenry and its businesses face deep issues and unknown futures. Those few willing to take on not just their own challenges but help address the concerns of the community are greatly needed -- and we thank you all for your service.

The issue I write to you today is not as pressing as many others you are likely facing at present, but one that will have a real and lasting impact on the recovery and future success of the commercial businesses in the city -- that of the revised sign code. While I would have typically presented the comments at the Public hearing, given the current situation, it seemed best to submit them in writing.

Signage is a lifeline to retailers and restaurants -- and will be even more important going forward given the real threat that many are facing. The proposed revision -- while a meaningful step forward -- has continued in the old pattern of frequently limiting or even eliminating the Planning Commission's ability to grant a waiver from the strict language of the code where they deem it appropriate. This accomplishes little but to reduce their ability to act as Urban Planners, relegating them to the role of Code Enforcers.

The Planning Commissioners have demonstrated for many years their ability to review building layout, elevations, materials, and other issues, and properly weigh the relative merits of a proposal to grant a waiver where it is appropriate. We believe strongly that they should be allowed to do so when it comes to the related signage issues.

This can be corrected with little effort, by allowing the Planing Commission the right to grant such waivers at its discretion, using the standards similar to those currently used for the MXD zone. Given the number of years that can pass between signage code updates, and changes in technology and design, getting this signage code revision right is very important for the success of the retail and restaurant trade.

Stay healthy and happy, and thank you again for your work during this difficult time.

Best regards,

**Peter**

Peter Henry



226 Spectrum Avenue  
Development Office  
Gaithersburg, Maryland 20879  
phone. 301.850.2234

March 3, 2020

Mayor and City Council Members  
Planning Commission Members  
The City of Gaithersburg  
31 South Summit Avenue  
Gaithersburg, Maryland 20877

RE: Comments to the Proposed City Sign Code

Dear Mayor, Members of the City Council and the Planning Commission;

We want to start by thanking the staff members for taking on the task of revising the City's Sign Code, which due to changes in technology, design elements, materials, and emerging legal standards was no small task!

As you are no doubt aware, retail users face an increasingly challenging environment – and signage to clearly and effectively communicate both their existence and location has become ever more critical for their survival. The success or failure of these businesses – often sole proprietorships without large advertising budgets - in turn dictates the success of the mixed-use projects they populate.

Adequate signage is also critical for “placemaking” of larger mixed-use projects, especially for those attempting to attract the new customers needed that may not be as familiar with the City of Gaithersburg and its areas such as Kentland's, Washingtonian, Olde Town, Crown and Spectrum, among others.

We were, as a result, quite pleased to see at the outset of the revision a well written articulation of the purposes of the sign plan – which included not just such items as the promotion of public safety, avoiding visual clutter, and complementing the existing surrounding environment, but also the concepts of:

- (e) *Creating an attractive business climate that fosters economic vitality, and*
- (g) *Communicating legibly and effectively.*

After reviewing the draft, we wanted to offer a few comments and insights as an active mixed-use developer in the City dedicated to advancing high quality projects where signage will have a significant impact on success or failure of these businesses, and the related success of the underlying projects.

To that end, we focused the a few items that will have the most impact on the success and durable value of this newly proposed sign code – the most important being the assurance that the Planning Commission has the *flexibility* to address future changes in consumer preferences, technologies, design elements, placemaking, materials, and legal standards.

### **Consumer Preferences:**

Little has to be written on the rapid changes that retailers have endured over the past several years. The shift of consumer shopping patterns have led to the demise of many shops, as consumers have left the traditional shopping areas and migrated to on-line alternative. The shrinking pool of local retailers typically do not have the budgets to advertise, and rely heavily on word of mouth and signage to attract new customers to their space and business.

If asked, most will tell you straight up that the number one or number two item they would want to improve their business is better signage.

### **Technology changes:**

Signage at night competes with surrounding, ambient light – the more ambient light, the more muted the sign becomes. Technology changes have created a significantly brighter ambient light situation than existed in 2005, in the form of brighter LED street lamps (from 58 lumens to 80 or more per fixture – nearly a 40% increase) and headlamps in cars in their shift to the much brighter Halogen or LED bulb.

Signs that were muted – such as gooseneck lights and opaque ‘cut out’ letter signs are now significantly less notable than was the case in 2005, and this trend is continuing as brighter and more efficient forms of LEDs and LCDs continue to evolve.

The evolution of channel letter and box signs has at the same time been significant in working to offset this increasingly diminished presence by addressing historical problems with each.

In 2004 and 2005 when the old sign code was being drafted, signage technology was dominated by two forms of lights – neon and florescent. Channel letter and box signs, which constituted more than 85% of the signs installed, were notorious for creating eyesores with hot spots [due to variations in florescent tube brightness], dark spots [from burned out neon and florescent bulbs] and flickering [from neon and florescent gases bulb failure]. This resulted in some jurisdictions prohibiting neon and box signs, instead requiring signs with external illumination – typically from ‘goose neck’, ground mounted or halo type lighting.

Gaithersburg in its revised 2005 sign code struck a different balance to eliminate these three issues – one where neon or internal florescent illumination were permitted, but the majority of the sign face was required to be opaque or ‘blacked out’, allowing only the letters or logo to be visible at night. With the then dark ambient light surround the signage, these signs were still reasonably clear, distinct and legible.

Fast forward to 2020 – ambient light is now boosted by 40% through the use of LED in street lights and cars – with these “blacked out” signs becoming concurrently less and less visible.

However, during this time, another solution was being developed. LED’s and LCD’s began to be miniaturized and installed in both channel letter and modern box signs, and with the arrays of thousands of small LED chips spread within each sign, the issues of hot spots, dark spots and flickering were resolved. Suddenly, the LED’s brightness could be automatically limited by sensors to assure that glare

was not produced and light was managed in real time. And the brightness could be limited to a predetermined number of nits – for example 5000 during the day and 500 at night.

The next development was the weatherproofing and migration of these miniaturized LED chips from the rear of the box sign to the front – resulting in the electronic signs we increasingly see today. These electronic signs have fully active fields to all four edges of their box, and do not use ‘opaque or ‘blacked out’ lettering – instead allowing a full sign presence but with a maximum nighttime brightness of 500 nits.

Both the modern box sign and the electronic signs have all the advantages required to resolve the issues which plagued signs in 2005: no ‘hot spots’, ‘dark spots’, or ‘flicker’, ability to adjust and limit brightness, and automatically dimmable – with one set of lights being diffused, while the other is direct.

These changes in technology speaks clearly as to why the Planning Commission need the flexibility to review and approve proposed design and signage proposed.

### **Retail, Design, market and materials changes:**

Quality of placemaking and design have played a significant role in the quality of life in Gaithersburg – a most notable example being the nationally recognized designs of the Kentland’s. Design materials and features continue to evolve, and what was at one time often thought of as outside the reach of a suburban area - such as structured parking - is now increasingly prevalent within the City.

The marketplace, customer and retailer needs have also evolved, electronic signage has been approved and incorporated, as have rotating signs, large freestanding identity signs, and signage extending above the tenant canopy – all to the effect of both imaginative placemaking and improved identity. Canopy and roof mounted can produce strong identity and placemaking, are increasingly being successfully applied to accomplish these ends.

The confluence of the use of building designs and thoughtful sign plans coupled with the Planning Commission’s flexible ability to approve these projects based on urban planning principals rather than strict City code compliance will be of critical importance in continuing the development of the high quality and unique places to live and work within the City.

### **Legal standards change:**

Finally, court decisions and legal criteria relating to both content and design standards have also come into play – making the strict ‘code enforcement’ style of signage approval of the past regressive at best. Under the language of the old code, the Planning Commission and Mayor and City Council were restricted in their ability to address these emerging issues with the flexibility needed in a changing world through a series of specific limitations and waiver requirements that the revised code has the opportunity to remove and be better prepared for the future.

In short, the changes in consumers, technology, retail, design, materials and legal standards have seen significant advances since 2005, and can be fully expected to continue to evolve at a rapid pace. To stay competitive, the sign code should also allow flexibility for the Planning Commissioners to adjust to the changes that will occur in these areas and advance sound urban planning concepts.

It is important to note that the proposed sign plan ordinance as drafted is a *significant step forward* from the existing code, and we view it as a meaningful accomplishment in a difficult and constantly emerging area – not an easy task to undertake. This having been said, the new code will need to endure for many years, and as such needs to undergo a closer review, to allow it to be most successfully applied in the future.

The areas where we see issues worthy of additional consideration in the proposed draft are as follows:

- Comprehensive Sign Plan [Pg. 16]: Under the proposed draft, neither the Planning Commission nor the Mayor and City Council can approve a sign plan in variance with the code unless it meets a set of stringent criteria of a “Major Waiver”.

*Both the Planning Commission and Mayor and City Council should have the flexibility to approve proposed signage they feel is appropriate for a project as part of a Comprehensive Sign Plan process without requiring either to meet the strict criteria of a “Major Waiver”.*

- Code Conflicts [Pg. 20]: The Code proposes that where a conflict arises within this article, or between this article and another section of the City Code, the more restrictive language applies.

*This actually happened at the Spectrum, where the project’s approved Comprehensive Sign Plan specifically allowed for the placement of signage which was in conflict with the City Sign Code. The then staff member determined that the more restrictive standard set forth in the Sign Code applied, and denied the right to install a freestanding tenant monument sign unless we went back and amended the Comprehensive Sign Plan.*

*We did this, and included the previously approved sign, and the staff member refused to approve the revision unless that sign was deleted - since it was not in compliance with the Code. Additionally, several other previously approved signs were also deleted. In the end, after a year-long effort working on multiple drafts, we abandoned the revision to the Comprehensive Sign Plan, and have never built the additional tenant signage for the Spectrum project.*

*To avoid this in the future, we believe this language should perhaps read that if there is a conflict between sections of the City Code, (1) the approved Comprehensive Sign Plan should control, and (2) in other areas, the issue should be resolved at the discretion of the Planning Commission.*

- Signs blocking other signs [Pg. 24]: The proposed text reads that a sign must not overlap, block, nor interfere with the ability to see any other sign.

*Depending on the line of sight, many signs can be viewed as blocking other signage with no right for the Planning Commission to waive the requirement. It should be within the discretion of the Planning Commission to determine if the newly proposed sign is improperly placed, and not require a waiver.*

- Height of sign above a structured parking garage [Pg. 25]: The proposed text reads that in a structured parking facility or drive-through area, the lowest point of any sign that extends over an area intended for vehicular use must not be less than fourteen (14) feet above the finished grade below it.

*This can work for some decks with 18-20 feet of commercial space on the ground floor, but for podium product with 10.5 -11 foot first floor decks, this would put the back of the sign in the windows of the residences above the garage entrance. This has an will occur on projects which do not have ground floor retail. Again, the location of the signage should be within the discretion of the Planning Commission based on a review of the plans of the building and related parking deck.*

- Building Sign covering any part of a window [Pg. 28(d)(1)]: The proposed section reads that a sign must not cover any part of a window.

*The Spectrum project just faced this specific issue, where the Hot Pot Hero sign was as part of the original building design, placed on structural beams across the front of the two store glass storefront. This created a ‘floating sign” as can be seen on many New York buildings, also saving the precast from being drilled and tapped, protecting its look for the future.*

*The staff understood the issue, but could not disregard the code requirement, but to their credit worked to take it to the Planning Commission which looked at the issue and approved the signage in February 2020. Under the new code’s restrictive language, they would be prevented from doing so without a code change.*



*New Hot Pot Hero Sign suspended between precast columns*

- Building Sign extending above a roofline – (Iconic Sign) [Pg. 28(d)(2)]: The proposed section prohibits a sign from extending above a roofline.

*On iconic buildings, signs which extend above a roofline can be strong placemaking tool. Lightweight, ultra-strong internal structures now make this this signage both feasible and durable. This iconic signage has been successfully utilized in Baltimore’s award winning “Anthem House” multifamily project, and has been approved by Montgomery County for the new “Fairchild” multifamily project in Germantown Town Center. It is a very strong place making tool,*

*It is our intent to propose its use for a future multifamily building along I-270, and believe the Planning Commission and Mayor and City Council should be able to review the proposed plan without having it barred under the proposed sign code.*



*An example of the iconic signage - the Fairchild building approved by the Montgomery County Park & Planning and Planning Commission.*

- Geographic Area Sign to be placed only on HOA property [Pg. 31(h)(4)]: The proposed language requires that if a geographic area sign is located within a subdivision that has a homeowner’s association, the sign must be located on commonly-owned property.

*The Parklands, on the west side of I-270 at Watkins Mill Road, has an HOA which was created as part of the subdivision. The HOA has a limited amount of internal common area for the pool area and playgrounds.*

*The perimeter along Watkins Mill Road and entrances into the subdivision where signage has been approved for placement remains owned by BP Realty and its affiliates as part of the future development. We assume the same is true for projects such as Crown Farms, and believe the language will need to be adjusted to accommodate these larger mixed-use projects where the sign locations were not transferred to the respective HOA's. This language might include the master developer and affiliates groups that own the property, or that the Planning Commission can simply approve the sign as part of the sign's review.*

- Internally illuminated box signs prohibited [Pg. 31(j)]: The proposed code prohibits box signs over 4 square feet unless the background is opaque with “cut out” letters and an opaque background, so that only letters, characters and graphics are illuminated.

*This is really a policy issue that the Planning Commission and Mayor and City Council should take up a decide. As noted above, the significant increases in ambient brightness due to 40% brighter automobile and street light have made these ‘blacked out’ signs continually less notable, while at the same time the technology advances have solved the problems which were being addressed by the use of opaque “blacked out” backgrounds and ‘cut out’ letters – ‘hot spots’, ‘dark spot’s and ‘flicker’.*

*For those that can afford it – including the County, cities, fire departments, universities and colleges, the electronic signs have resolved this issue -- since the backgrounds are active, there is no “black out”. For these electronic signs, the City code has placed the maximum “brightness” of the sign at night at 500 nits to address the issue. [see Sec. 24-210B((f)(6) of the proposed City Code].*

*It would see logical to extend this 500 nit test to all signs as the appropriate and modern method of controlling the light sources at nights. This would then be a part of the review and approval of the specific signs by the Planning Commission.*

- Monument Sign Placement [Pg. 32(i)(2)(b)]: The proposed language requires where two monument signs are permitted on a subdivided lot, each which is visible from a “view shed” must be 500 feet from the other.

*Like the earlier issue of one sign not blocking a second – it is dependent on the direction of a ‘view shed’. This is relevant to in parcels like Royal Farms, where three sides of the property are wrapped by public streets, but no part of the parcel is 500 feet from another.*

*Based on a review of other jurisdictions language, we believe that the drafter’s intent was that a ‘view shed’ was intended to mean the direction of travel along a public or private street, so a simple clarification would be most helpful.*

- Monument Sign illumination, opaque “cut out” letters, and external illumination [Pg. 33(l)(3)(b)]: The proposed code prohibits an internally illuminated sign from being externally illuminated.

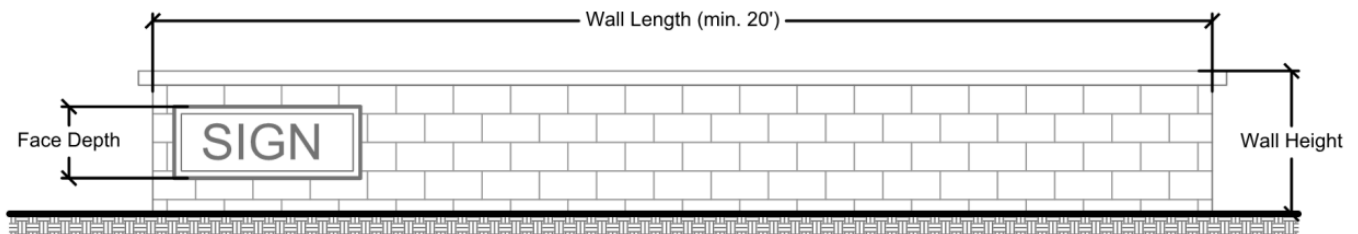
*Applying the 500 nits standard to the sign – both electronic and others -- would allow the retailers and other sign users in the city to have an adequately lit signs at night, making external illuminations unnecessary. If such a standards is not incorporated, then external*

*lighting would be necessary to offset the increases in ambient lighting that have occurred since 2005.*

- Roof signs [Pg. 36(l)(14)]: The proposed code again prohibits rooftop signs.

*Please see comments related to Building Sign extending above a roofline – (Iconic Sign) [Pg. 28(d)(2)], above.*

- Signs on Walls limited to 15% of the wall length [Pg. 50 24-211(c)(9)]: The proposed code limits the length of a sign attached to a wall to 15% of its length.



*In the Spectrum project, adjacent to the Starbucks entrance, the Staff and Planning Commission recently suggested we include a set of brick walls to frame a gateway entrance into the project off of Route 355 -- which we have done. We intended to place Spectrum at Watkins Mill project identity signage on the wall.*

*This language would limit the signage length to approximately 17 feet –which might or might not be in scale depending on the length of the final text approved by the Planning Commission.*

*This is a case where the percent of signage could potentially be recommended at 15% but should be better left to the discretion of the Planning Commission based on its review and design sensitivity.*

- Waivers – minor and major [Pg. 58 and 59]: Rather than granting broad rights to the Planning Commission to approve plans and waive code requirement as they deem reasonable to accomplish sound design principals, the proposed code limits the number of items the Planning Commission can waive to these five (5) areas:
  1. *As part of the approval of a Comprehensive Sign Plan [Pg. 16];*
  2. *Relating to the area or height of a sign, or the height of letters [Pgs. 23, 24, & 34];*
  3. *Allowing a non-illuminated sign facing residential property [Pg. 28];*
  4. *Including an electronic sign in a geographic Area sign [Pg. 31]*
  5. *Allowing a geographic area sign on a building [Pg. 41];*

*There are many hundreds of issues outlined in the new code which could require a waiver or less restrictive approach to accomplish sound urban planning principals, and the Planning Commission should not be constrained to these five areas.*

As noted above, the areas of signage and urban design are constantly evolving as new technologies, new materials, new design solutions and new legal standards arise. Limiting the Planning Commission's authority to effectively address these changes act as barriers to their ability to execute their role as **Urban Planners** – and reduces them to **Code Enforcers**.

Allowing the Planning Commission to apply their judgment to future issues faced in signage – and indeed building design and urban planning – is of critical importance to the future of the City, and the restrictive approach should be replaced with a language permitting broad flexibility on carrying out their important function.

We want to again express our appreciation to the staff for having taken on this difficult project in the face of all the changes that have occurred since the old code was adopted.

Thank you for your consideration in this matter, and we look forward to helping Gaithersburg grow and remain ‘...the Greatest City in the World!’

Respectfully Submitted,



Peter Henry  
Co-Managing Member  
BP Spectrum, LLC