



Mayor and City Council
Hybrid (In-Person / Virtual)
www.gaithersburgmd.gov/meetings
City Hall 31 South Summit Avenue
Gaithersburg, MD 20877

MINUTES
Regular Session
Monday, April 15, 2024, 7:30 PM

1. CALL TO ORDER

The Regular Session of the Mayor and City Council was called to order at 7:30 PM with Mayor Jud Ashman presiding.

Attendee Name	Title	Status	Arrived
Jud Ashman	Mayor	Present	
Jim McNulty	Council Vice President	Present	
Neil Harris	Council Member	Present	
Lisa Henderson	Council Member	Present	
Yamil Hernández	Council Member	Present	
Robert Wu	Council Member	Present	

Staff present: City Manager Briley, Deputy City Manager Enslinger, Deputy City Attorney Johnson, Community Planning Manager Mann, Long Range Planning Manager Robinson, Recreation Service Division Chief Kim, Aquatics Superintendent Beteta, Police Corporal Davis, and City Clerk Jones.

Planning Commission present: Bauer, Kaufman, and Wessell.

2. PLEDGE OF ALLEGIANCE

The Pledge was led by Gary Unterberg, Rogers Consulting.

3. REFLECTION

Mayor Ashman called for a moment of silence.

4. APPROVAL OF MINUTES

A. Work Session held March 25, 2024

Motion was made to approve the above minutes.

RESULT: APPROVED [4 TO 0]
MOVER: Neil Harris, Council Member
SECONDER: Jim McNulty, Council Vice President
FOR: McNulty, Harris, Henderson, Hernández
ABSTAIN: Wu

3. *Tim Goodfellow, Transit Alternatives to Mid-County Highway Extended (TAME) Coalition member*, expressed opposition to the extension of Midcounty Highway (M-83). Provided TAME's recent report on alternatives and suggested improvements.
4. *David Winfield, Asbury resident*, looks forward to the redevelopment for the Lakeforest Mall property. Requested that specific documents from the project be retained for inclusion in a teaching exhibit at Watkins Mill High School. Additionally requested the ability to take photos of the stormwater management areas before and after the project is complete.
5. *Carmen Castro-Conroy, Housing Initiative Partnership (HIP)*, mentioned the many programs and counseling opportunities available to City residents regarding affordable housing.
6. *John Roddy, 415 Russell Avenue*, echoed the comments above regarding the Lakeforest Mall redevelopment project.

There were no other speakers from the public.

8. JOINT PUBLIC HEARINGS

A. CTAM-9739-2024: Retool, the comprehensive revision to the City's Zoning Ordinance

Long Range Planning Manager Robinson and Community Planning Manager Mann were joined by Joe Helferty, ZoneCo, who presented the public hearing for the revised Chapter 24, Zoning, ordinance known as Retool Gaithersburg. Retool Gaithersburg is a comprehensive initiative to revise the City's Zoning Ordinance with the goal of:

- Improving the organization of the code,
- Incorporating visual aids to simplify the readability of the zoning code,
- Revising zoning code sections to better reflect the City's goals, policies, and visions,
- Modernizing terminology and definitions used throughout the code, and
- Fostering equity and equality.

In this effort, staff and the City's consultant, ZoneCo, conducted an extensive engagement and outreach program, researched best practices, and conducted several joint work sessions with the Mayor and City Council (MCC) and Planning Commission (PC) regarding topics, directions, and proposed changes to incorporate into the revised ordinance. The public hearing draft was released for review on April 1, 2024. As part of Retool, a dedicated project page was initiated, retoolgaithersburg.com, including background materials, various ways to submit comments, stay engaged, and the formal record for review.

Mayor and City Council thanked them for the presentation and expressed excitement with the next steps of the project. Clarification on the definition of a lot size in regards to Floor Area Ratio (FAR) calculations – Staff stated that in the definition of the lot, it is what is within the taxable parcel. Mentioned that there have been some comments submitted into the record from applicants who would like to apply previously dedicated land into their lot size for the purposes of FAR. Staff does not support that and the decision was not to include that. Mentioned that if staff were to include previously dedicated land, base FARs would need to be re-established and calculations would need to be redone.

Speakers from the public:

1. *Demetrius, Gateway Apartments resident*, expressed support for the project and appreciates the work done in making the code approachable by the average person. Requested that the parking minimums be lowered and that housing density be increased.
2. *David Mullins, Gateway Apartments resident*, thanked everyone for this project. Mentioned that the whole process has been engaging. Appreciates the focus on accessibility and affordability. Mentioned that he had reached out to staff with questions and received an immediate response. Questioned if there would be any provisions to incorporate the County's ZTA 24-01 FAITH, a bill that would allow houses of worship to build affordable housing on their land.

Staff referenced exhibit 18 in response.

3. *Philip Hummel, Miles & Stockbridge*, thanked City staff for their work during this process. Mentioned that written comments have been submitted as exhibit 32 in the record and highlighted some of those comments including transition provisions, calculations of FARs, and streamlining development review.
4. *Pam Plaisted, Gaithersburg resident*, requested that high-paying, non-pharma, and non-government jobs be recruited to Gaithersburg.

There were no other speakers from the public.

Mayor and City Council further questioned providing the applicants the choice to continue under old zoning if a sketch plan is in progress. Staff clarified that in the proposed amendments, there will be a deadline for applications and the City will honor the zoning code as currently written as long as the application is submitted before the deadline. After the deadline, the applicant will have no choice but to follow the new zoning.

Council Member Wu suggested placing a time limitation on schematic development plans (SDP): SDPs, once approved, would have a 10-year cap for the applicant to obtain final site plan approval. If final site plan approval is obtained but expires within the 2-year requirement, or if the final site plan is rejected and the 10 years expires, then the SDP expires. Staff mentioned that if a sketch, schematic development, and final site plans are all approved, under Maryland State law they are all vested. Clarified that after Retool with new applications, after obtaining SDP approval, the applicant would have 10 years to get final site plan approval. If the final site plan is rejected or expires, the SDP would have to go through the approval process again or a re-review. If the MCC and PC are in agreement, staff can draft wording for their approval in the final zoning ordinance.

Council Vice President McNulty questioned if an applicant were to submit a sketch plan prior to the implementation of Retool, would the previous zoning be grandfathered in until the completion of the SDP, or would they need to have an approved SDP before the implementation of Retool. Staff clarified the timelines that applicants would need to abide by before and after the implementation of Retool.

Council Member Henderson questioned if the applicant is 5 years into an SDP and their final site plan is rejected, would they still have 5 more years to submit. Staff clarified that yes, applicants can resubmit their final site plans as many times within those 10 years.

Staff further clarified that the 10-year time limit is only applicable to those applications submitted after the Retool effective date.

Mayor and City Council and Planning Commission spoke in favor of establishing a time limit or cap and creating requirements for extension requests. Requested that staff come back before them with suggested wording and a clear indication of time limits. There was a consensus to not hold an additional joint work session.

Motion was made to hold the Planning Commission record open until 5 p.m. on June 7, 2024 (53 days), with anticipated recommendation on June 19, 2024.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Lloyd Kaufman, Commissioner
SECONDER:	Philip Wessell, Commissioner
FOR:	Bauer, Kaufman, Wessell

Motion was made to hold the Mayor and City Council record open until 5 p.m. on June 28, 2024 (74 days), with anticipated policy discussion and final action on July 15, 2024.

RESULT:	PASSED [UNANIMOUS]
MOVER:	Neil Harris, Council Member
SECONDER:	Robert Wu, Council Member
FOR:	McNulty, Harris, Henderson, Hernández, Wu

9. FROM MAYOR AND CITY COUNCIL

Neil Harris

1. Provided his family history and personal ties to the Holocaust. Stated that his Hebrew names were given to him in honor of his grandmother’s brothers who lost their lives, along with their parents, during the Holocaust. His wife’s father and grandmother were survivors but were slave laborers. Mentioned that his wife’s mother was born blonde and was able to be hidden throughout the duration of the war. Encouraged everyone to learn about the history and understand its impact.

Rob Wu

1. Reflected on Council Member Harris’ comments.

Lisa Henderson

1. Thanked Council Member Harris for his comments.

Jim McNulty

1. Thanked Council Member Harris for his comments.
2. Attended a family funeral over the weekend. Extended condolences to the families. Encourage the importance of supporting and acknowledging family members.

Yamil Hernández

1. Expressed loved, appreciation, and gratitude to everyone.

Jud Ashman

1. Reminded the public that the Gaithersburg Book Festival is scheduled for Saturday, May 18, 10 a.m. – 6 p.m., at Bohrer Park. For more information, visit the Gaithersburg Book Festival website.
2. Announced that the Mayor and City Council will not conduct sessions on Monday, April 22, and Monday, April 29 due to the observation of Passover.
3. Announced that the next hybrid (in-person/virtual) regular session of the Mayor and City Council will be held on Monday, May 6.