



Mayor and City Council

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

MINUTES Joint Work Session

Monday, March 11, 2024, 7:30 PM

1. CALL TO ORDER

The Joint Work 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 | 7:35 PM |

Staff present: City Manager Briley, Deputy City Attorney Johnson, Deputy City Manager Enslinger, Assistant City Manager Lonergan-Seeger, Director of Planning and Code Administration Schlichting, Community Planning Manager Mann, Long Range Planning Manager Robinson, Police Officer II Javier-Rivera, and City Clerk Jones.

Planning Commission present: Bauer, Kaufman, Hopkins, Wessel, and Rieg.

2. DISCUSSION TOPICS

A. Retool Gaithersburg: CTAM-9739-2024

Community Planning Manager Mann and Long Range Planning Manager Robinson were joined by Joe Helferty, ZoneCo, who presented the second of two joint work sessions for the revised Chapter 24, Zoning, ordinance known as Retool Gaithersburg in preparation for the April 15, 2024, public hearing. Retool Gaithersburg is a comprehensive initiative to update the City of Gaithersburg's Zoning Ordinance to ensure that the regulations better accommodate and implement the City's vision and goal to support the vibrancy and innovation of the City. The updated draft was released on February 6, 2024, for public review and comment.

The February 26 Joint Work Session focused on the structure and highlighted changes of the new ordinance. The Mayor and City Council and Planning Commission requested that the following be further explored and discussed:

- Parking ratios
- Accessory Dwelling Units (ADUs) and their standards
- The CBD Zone and specifically by-right height standards
- Specific lighting standards related to signage/architecture and energy efficiency.

To assist and supplement the discussions, staff provided:

- A parking analysis comparing proposed ratios with other jurisdictions and how the new commercial center ratios compare to existing centers in the City. Staff notes the existing centers define what exists as to parking and not what current code ratios would provide. The actual parking often reflects greater than required parking.
- An ADU background packet including AARP best practices study, Housing Element surveys, and focus group notes discussing ADUs (highlighted in yellow), and the current draft of the State's Accessory Dwelling Unit Task Force best practices (practices reflected in Retool highlighted in yellow).
- ZoneCo's Engagement Report addendum including actions since the October work session and all comments received since the February 6th draft release.
- ZoneCo's complete Engagement Report included in the October work session packet, including the survey.

Following the joint work session, staff and ZoneCo will begin amending the current draft per the direction received and prepare the Public Hearing Draft for the April 15 joint public hearing.

Mayor and City Council thanked them for the detailed presentation. Compliments were extended for the use of charts throughout the presentation. Several questions were asked, and clarification was provided:

- Is there any concern with the proposed parking ratios as it is less than surrounding jurisdictions? Staff mentioned that a lot of the City's commercial areas are currently over-parked. Stated that the parking ratios put forth are more aggressive in their intent to be more flexible in the future. The proposed amendments to the Code will provide the ability to increase the minimum parking requirements by 10%. Staff clarified that the current code allows the Planning Commission to grant waivers and they plan to retain and strengthen that with the proposed amendments.
- Provided the following example: If a plan comes before the Planning Commission requesting 100 spaces, does the Planning Commission have the ability to say, "No, this needs 140 spaces." Would that be allowed under the proposed amendments? Staff stated that they would work that wording into the amendments before the public hearing. Planning Commission Chair Bauer clarified that the Planning Commission would need to provide findings to support the change.
- Assuming that all the requirements for ADUs are met, does the process provide the Planning Commission the ability to deny the application? Staff stated that yes, they would have that ability based on other findings including life safety and welfare. Staff clarified that wording has been built into the proposed amendments to provide staff the ability to move a minor amendment application to the Planning Commission at the Director's discretion. Staff also clarified that there is always an appeal process, and anyone can file an appeal for a project.
- Requested clarification on building heights in the CBD Zone. Staff stated that the wording is not as clear as they wanted it to be in the draft. Stated that the Planning Commission would have the authority to approve up to 6 stories without any waivers being granted; this would also be discretionary, not by right.
- Regarding the shopping center analysis, what will happen to the 40% of the parking lots not being used? Staff clarified that centers do not need to change what they currently have. This will just provide an opportunity for expansion in the future or a chance for centers to reduce their stormwater tax bill.
- Requested clarification on BRT parking reductions. Staff stated that if a station was under construction, staff could do a zoning interpretation to assist in the determination of parking.

- Questioned if ADUs were only for single-family homes. Staff stated there are townhomes in the City with detached garages that would have the ability for conversion. Due to the proposed changes in parking ratios, a garage will no longer count as a half-space. If a townhome has a garage and a long 4-car driveway, the owner will have the ability to convert said garage into a living space and still meet the parking requirements. Mentioned that some townhomes have walk-out basements that could also meet the parking requirements.
- Questioned if paid parking in other jurisdictions played a part in the proposed parking ratios. Staff clarified that only off-street parking was used for the determination.
- Requested clarification on the BRT parking exceptions. Staff stated that the goal has always been to clean up the zoning in the Frederick Avenue Corridor. Stated that the floating zones get to establish their own parking zones and should be “baking in” their proximity to transit.
- Mentioned that the parking requirements for Life Sciences does seem light. Staff clarified that the 1.5 space per 1,000 sq ft is the minimum and the applicant has the ability to request more. Mentioned that several life sciences projects have requested waivers that more align with the proposed amendments.
- Questioned how the ADU setbacks would work if a detached garage were at the property line and would it be handled through a waiver process. Staff stated that this is exactly why they had to be black and white with the wording. Stated that they wanted the 10-foot setback for detached structures to accommodate neighbors. If the ADU was attached to the primary structure, the 5-foot setback would be the requirement. Staff is wary of providing too many waiver options. Clarification was provided that those who currently have ADUs who won’t meet the updated requirements will be grandfathered in.

Mayor Ashman stated that there seems to be a consensus that where ADUs are currently allowed, they want that to continue in the future, even if they don’t meet the setback requirements. Recommended that staff provide the wording for this exception.

- Questioned if there was an industry standard for demand analysis on parking. Staff stated that in short, no, there is no industry standard. Mentioned that staff worked with Engineering Services Division Chief Fields to spell out the parameters.
- Non-enclosed outside storage spaces, where would that show up on a site plan. Staff stated that this would apply to Lowes, Home Depot, etc. for the outside storage of mulch, plants, garden centers, etc. Mentioned that Planning Commission would be able to grant a waiver on a case-by-case basis.
- Questioned why an ADU was not a percentage of the main dwelling rather than restricted to 800 sq ft. Staff stated that there are dwellings that are only 900 sq ft so using a percentage, an ADU could never be built. Staff mentioned that it is difficult given the complexity of the City housing inventory to come up with a standard percentage.
- Requested a timeline for the demand analysis and macro trend, and what is long range. Mentioned that it took 50 years to get to this point of Retool, will there be another 50 years until the next revision. Staff stated that the terms outline what it is, and this is where the review comes in from Public Works who will define the scope.

Council Vice President McNulty disagreed that the proposed six stories by right building height maximum does not fall in line with the Master Plan. Requested that a more in-depth public discussion occur. Mentioned that he is not comfortable with removing Mayor and City Council’s involvement in the CBD Zone. Commented on trends and statistics from the focus groups. Mentioned that the information received was from a small data set and staff should be careful when projecting that information. Staff clarified that the focus groups consisted of HOA Presidents and community advocates.

Council Member Wu echoed McNulty’s comments regarding the CBD Zone. Staff clarified that height waivers come before the Mayor and City Council currently. Stated that staff’s understanding is that if a development project is torn down and then rebuilt with more stories, the Mayor and City Council want that project to come before them. Council Member Wu agreed that staff has found an appropriate balance in the process for minor impacts. Stated that he would like a mechanism built in that would provide the Mayor and City Council with the ability to review items and determine whether the amendments should come before them for approval or just the Planning Commission. Staff clarified that with Retool, several items that used to come before the Mayor and City Council will now only go before the Planning Commission. Further clarified that one of the goals was to reduce the processes to better incentivize development. Planning Commission Chair Bauer suggested that there be no discretionary items under the CBD Zone. There should be a limit and everything past that limit should be reviewed by the Mayor and City Council. Additionally suggested reviewing the Master Plan to address future concerns with the CBD Zone. Commissioner Hopkins echoed Chair Bauer’s comments. Council Member Harris questioned what came out of the Visioning Exercise for the CBD Zone. Staff stated that the most development potential would be on the east side of the City. Given the limitations and land available, to achieve certain goals, you would have to have height and density. Nothing was directed specifically to the CBD Zone; this was discussed in general. Stated that if the Mayor and City Council wanted to retain the ability to review, a process would have to be determined. Staff reiterated the goal to reduce the processes in place. Council Member Harris and Henderson expressed concern with the direction that the conversation was going.

Speakers from the public:

1. *Patrick Sull, Highland Avenue*, agreed with the comments regarding oversight in the CBD Zone and bringing the item to a Master Plan discussion. Stated that significant projects with high public interest should receive more involvement from the Mayor and City Council. Questioned if stormwater management facilities in plans count as open space, is there a requirement in open space that dictates a certain percentage be green space, useable space, native plants, etc., and are there strict definitions to prevent loopholes in implementation.

Staff clarified that they are changing the term green space to open space as there were misconceptions about the meaning, but the definition has not changed. It deals with active and passive recreational areas. Stated that the function of this was not to mandate specific environmental facets, it is a livability issue which was an outgrowth of the MXD Zone.

There were no other speakers from the public.

3. CORRESPONDENCE

- A. Staff
- B. Outside

4. ADJOURNMENT

There being no further business, the session was adjourned at 9:18 PM

Respectfully submitted,

Michelle Betancourt, Administrative Assistant III

Lia Jones, City Clerk