

Ad # 0012472227

Name CITY OF GAITHERSBURG

Size 70.0 lines

Class 815 PO# na

Authorized By Kirk Eby

Account 1010122919

**Joint Hearing - MCC & PC
ASK-9892-2024
Exhibit #45**

PROOF OF PUBLICATION

The Washington Post

District of Columbia, ss., Personally appeared before me, a Notary Public in and for the said District, Felecia Scott well known to me to be ACCOUNTING SPECIALIST of The Washington Post, and making oath in due form of law that an advertisement containing the language annexed hereto was published in said newspaper on the dates mentioned in the certificate herein.

I Hereby Certify that the attached advertisement was published in The Washington Post, a daily newspaper, upon the following dates, and was circulated in the Washington metropolitan area including specifically the following counties and independent cities: District of Columbia; in Maryland: Allegany, Anne Arundel, Baltimore (Independent City), Baltimore, Calvert, Caroline, Carroll, Charles, Dorchester, Frederick, Garrett, Harford, Howard, Kent, Montgomery, Prince George's, Queen Anne's, St. Mary's, Somerset, Talbot, Washington, Wicomico, Worcester. In Virginia: Accomack, Albemarle, Alexandria (Independent City), Arlington, Augusta, Bath, Caroline, Charlottesville (Independent City), Chesapeake (Independent City), Chesterfield, Clarke, Colonial Heights (Independent City), Culpeper, Danville (Independent City), Essex, Fairfax (Independent City), Fairfax, Falls Church (Independent City), Fauquier, Fluvanna, Frederick, Fredericksburg (Independent City), Gloucester, Greene, Hampton (Independent City), Hanover, Harrisonburg (Independent City), Henrico, Hopewell (Independent City), Isle of Wight, King George, Lancaster, Lexington (Independent City), Loudoun, Louisa, Lynchburg (Independent City), Madison, Manassas (Independent City), Manassas Park (Independent City), Nelson, Newport News (Independent City), Norfolk (Independent City), Northumberland, Orange, Page, Petersburg (Independent City), Portsmouth (Independent City), Prince Edward, Prince George, Prince William, Radford (Independent City), Rappahannock, Richmond (Independent City), Richmond, Roanoke (Independent City), Rockingham, Shenandoah, Spotsylvania, Stafford, Staunton (Independent City), Suffolk (Independent City), Virginia Beach (Independent City), Warren, Waynesboro (Independent City), Westmoreland, Williamsburg (Independent City), Winchester (Independent City), York.

Published 2.0 time(s). 10/03/2024, 10/10/2024

Account 1010122919

All

Witness my hand and official seal this 14th day of October 2024

Bonnie Majdak



SEP 30 2026

My commission expires

NOTICE OF JOINT PUBLIC HEARING

The Mayor and City Council and Planning Commission of the City of Gaithersburg, Maryland, will conduct a joint public hearing on Sketch Plan Application ASK-9892-2024 on

**MONDAY
OCTOBER 21, 2024
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard at Gaithersburg City Council Chambers, 16 South Summit Avenue, Gaithersburg, MD 20877, or virtually by teleconference (online and phone).

Prior to the August 4, 2024 effective date of the new City zoning ordinance, the applicant, HIP Projects LLC, submitted Amendment to Sketch Plan application ASK-9892-2024, in accordance with § 24-160D.11 "Procedures for amendment" and § 24-198(c) "Amendments to concept plans, sketch plans, and schematic development plans" of the previous City Code. The Application proposes the following changes to Block R: remove the age restriction, increase the number of dwelling units from 158 to 244, and raise the height limit from six stories to seven stories. The property is zoned MXD (Mixed Use Development) and is located at 301 Paramount Park Drive within the Spectrum at Watkins Mill development, north of Watkins Mill Road, east of Interstate 270, south of the Pepco utility corridor, and west of Maryland Route 355.

Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday, or by contacting the Planning Department at Planning@gaithersburgmd.gov.



Mayor and City Council

Council Chambers
www.gaithersburgmd.gov/meetings
16 South Summit Avenue
Gaithersburg, MD 20877

MINUTES Regular Session

Monday, October 21, 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, City Attorney Ingram, Deputy City Attorney Johnson, Assistant City Manager Lonergan-Seeger, Assistant City Attorney Kumazah, City Clerk Jones, Director of Planning and Code Administration Mann, Long Range Planning Manager Robinson, Planner III Eby, and Police Sergeant Rice.

Planning Commissioners present: Bauer, Hopkins, Kaufman, and Wessell.

2. PLEDGE OF ALLEGIANCE

The pledge was led by Gabriel and Gabriella Reyes from Lebanon, Indiana, and family of City Clerk Jones.

3. REFLECTION

Mayor Ashman called for a moment of silence.

4. APPROVAL OF MINUTES

A. Special Session held September 26, 2024

Motion was made to approve the above minutes.

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

8. JOINT PUBLIC HEARINGS

A. ASK-9892-2024: Sketch Plan Amendment for Block R of the Spectrum at Watkins Mill development, located at 301 Paramount Park Drive, within the MXD (Mixed Use Development) Zone. The amendment proposes to remove the age restriction, increase the number of units from 158 to 244, and increase the building height from 6 stories to 7 stories. No changes are proposed to the remainder of the Spectrum development.

Planner III Kirk Eby was joined by the applicant to present the above for joint public hearing with the Planning Commission. The applicant, Henry Investment Partners/ HIP Projects, LLC (“Applicant”), has submitted Sketch Plan Amendment application ASK-9892-2024 (Exhibit #01), to amend the sketch plan for the Spectrum at Watkins Mill subdivision. Because the application was submitted prior to the effective date of the new Zoning Ordinance (ReTool/Ordinance O-5-24) of the City Code, this application is subject to the previous zoning ordinance procedures of Section 24-198(c) “Amendments to concept plans, sketch plans, and schematic development plans” (Exhibit #30). The Application proposes changes to Block/Building R only, including removing the age restriction, increasing the number of units from 158 to 244, and increasing the building height from 6 stories to 7 (Exhibit #04). No changes are proposed to the remainder of the Spectrum development. The subject property is located at 301 Paramount Park Drive, west of Watkins Mill Road, north of Interstate 270, east of the Pepco utility corridor, and south of Maryland Route 355. The property is zoned MXD (Mixed Use Development).

Mayor and City Council and Planning Commission thanked staff and the applicants for the presentation. Several questions were asked, and responses were provided:

- Is the density connected to the type of housing? It is more based on a deeper understanding of the site. The number of units have increased due to redesigning the space, not by making the units smaller.
- Are all the units structured to be more accessible? No, not all units would be designed to be more accessible as the site would not allow it.
- How do you guarantee multigenerational housing? You can’t. Staff suggested having two buildings: one age-restricted and one market-rate building. This would pose the issue of requiring two separate management staff as each building would have different requirements.
- How is this project special? Several modifications to the design have been made to accommodate senior living including roll-in showers and side-by-side washer and dryers.
- Could you have a mix of age-restricted and non-age-restricted units? No, it is either one or the other.
- What is the trigger for the units to be age-restricted? At least one person living in the unit must be over a certain age.

A correction was provided by City Manager Briley. Per the Department of Housing and Urban Development, it is not one or the other. To qualify for age restriction, at least 80% of the units must have at least one person aged 55 or older living in the unit.

- Are there still plans to put a senior center on this site? City Manager Briley stated that the feasibility study is still being conducted and won’t be completed until early November.
- Is income tied to the age restriction? No, it is not.

The applicant could not provide answers on how many units were gained by adding liner units, how much parking was removed, did the mix of units change by going to this building configuration, and if there was a reduction in outdoor amenity space. Would provide statistics to staff.

Concern was expressed with seniors not being able to live in the multigenerational housing due to the younger generations occupying the space first or cost.

Speakers from the public:

1. *David Mullins, Gateway Apartments*, mentioned that there is a housing shortage and expressed support for the proposed increase in density.

There were no other speakers from the public.

Motion was made to hold the Planning Commission record open until 5 p.m. on Wednesday, November 20, 2024 (30 days), with anticipated recommendation on Wednesday, December 4, 2024.

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

Motion was made to hold the Mayor and City Council record open until 5 p.m. on Friday, December 13, 2024 (53 days), with anticipated Policy Discussion and final action on Monday, January 6, 2025.

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. Thanked staff for a wonderful Oktoberfest.
2. Attended the ribbon cutting for Our Neighborhood Deli in Kentlands.
3. Attended along with District 17 Delegate Spiegel, the Northern Virginia Transportation Alliance’s Annual forum. Mentioned that they had speakers from the Maryland Department of Transportation.

Robert Wu

1. Announced that the Mayor and City Council are seeking residents to serve on an Ad Hoc Mayor and City Council Compensation Review Committee. Please send a letter of interest and a resume to Mayor and City Council Services via e-mail to mccservices@gaitHERSBURGMD.GOV or to Gaithersburg City Hall, 31 South Summit Avenue, Gaithersburg, Maryland 20877. The deadline for submission is November 12, 2024. For more information, please contact Human Resources Director Kim Yocklin or visit the City’s website.

11. FROM THE CITY MANAGER

City Manager Tanisha Briley

1. No report.

12. ECONOMIC DEVELOPMENT UPDATE

Assistant City Manager Tom Lonergan-Seeger

1. No report.

13. FROM CITY ATTORNEY / OTHER STAFF

City Attorney Darnell Ingram

1. No report.

14. CORRESPONDENCE

A. Staff

B. Outside

15. ADJOURNMENT

There being no further business, the session was adjourned at 9:15 PM

Respectfully submitted,

Michelle Betancourt, Administrative Assistant III

Lia Jones, City Clerk

Kirk Eby

From: Rob Robinson
Sent: Monday, October 28, 2024 11:09 AM
To: Kirk Eby
Subject: FW: Followup on several questions raised -- Magnolia Apartments (ASK-9892-2024)
Attachments: 2024.10.28 ASK-9892-2024 Response Council's Questions posed .pdf

Importance: High

For Record

From: Peter Henry <phenry@hiprojects.com>
Sent: Monday, October 28, 2024 10:52 AM
To: MCC Services <mccservices@gaithersburgmd.gov>; Planning External Mailing <Planning@gaithersburgmd.gov>
Cc: Jud Ashman <Jud.Ashman@gaithersburgmd.gov>; Jim McNulty <Jim.McNulty@gaithersburgmd.gov>; Neil Harris <Neil.Harris@gaithersburgmd.gov>; Lisa Henderson <Lisa.Henderson@gaithersburgmd.gov>; Yamil Hernández <Yamil.Hernandez@gaithersburgmd.gov>; Robert Wu <robert.wu@gaithersburgmd.gov>; Darnell Ingram <Darnell.Ingram@gaithersburgmd.gov>; CityHall External Mail <cityhall@gaithersburgmd.gov>; Leigh Henry <lhenry@hiprojects.com>; Matthew Walters <mwalters@hiprojects.com>
Subject: Re: Followup on several questions raised -- Magnolia Apartments (ASK-9892-2024)

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

Greetings, Mayor, Council, and Planning Commission members:

At last week's public hearing on the proposed Sketch Plan revision for the Magnolia Apartments within the Spectrum, two issues were raised:

1. *How did the density go from the original 157 units in 2005 to the current 244 Units?*

and
2. *Is it realistic for a senior to expect to be able to secure an apartment at the Magnolia?*

Good questions — Please see the responses in the attached *short* memorandum.

Have a great week!

Peter Henry

Henry Investment Partners/HIP Projects, LLC

Cell -- 202-494-1311

"Changing your mind is a sign of Intelligence." - R. Kawasaki



October 28, 2024

Via email

Mayor Jud Ashman
Members of City Council
Planning Commission
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877

RE: Response to several questions raised by the Council -- ASK-9892-2024:
Sketch Plan Amendment for Block R of the Spectrum at Watkins Mills Development

Dear Mayor Ashman and Members of the City Council and Planning Commission:

On behalf of the Applicant, please accept this letter as its response to the several discussion points raised during the October 21, 2024 joint public hearing relating to (a) the increase in density and (b) whether units will likely to be available for the senior population that wants to live in a multigenerational apartment. This Response Statement is intended to clarify and refine certain submission components and incorporates illustrative exhibits in response to comments made at the joint public hearing.

A. How did the density go from the original 157 units in 2005 to the current 224?

In 2005-07, with IBM and Lockheed Martin complexes generating significant traffic, the Mayor and City Council capped the multifamily density of the Casey East development (now ‘Spectrum’) at a total of 382 units, ultimately allocating 224 Units to Building A and C (Paramount Apartments), and 158 units to Building R (the subject site).¹

The 158 unit count was quite simply what was left from the 382 that the City would allow, less the 224 units permitted to proceed in Phase 1. Since Building R was placed in Phase 2 [triggered by the commencement of construction of Watkins Mill Interchange], there was nothing more than a building envelope developed, with architectural and construction resources focused on the Paramount (Buildings A and C.)

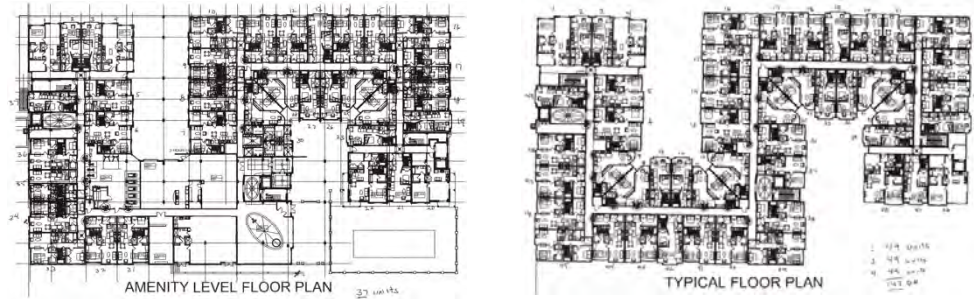
By the end of 2011, with the major employers exiting the City, traffic capacity became available, and the Spectrum project developers applied for 243 multifamily [known as the *Majestic Apartments*] to be constructed in Phase 1 - prior to the Interchange. The Majestic received SDP approval in 2012, and its amended initial site plan approval was received in 2015.²

¹ See, SDP-05-003 and SDP-07-001.

² See, SDP-11-002 and AFP-6530-2015

Following the approval of the Majestic, we commissioned a building code analysis for the Parcel R site (the Magnolia), looking at alternative designs to address the steep falloff of the site on its eastern edge, facing the forested stream valley buffer. Starting from the garage terracing upwards, this was the first time we began to look at the number of units that could be accommodated at the site.

The study, which included average grade plane calculations and using the approved building footprint, could accommodate approximately 184 units of studios, one-bedroom, one-bedroom dens, and two-bedrooms:



This provided an initial point of reference for the first time as to what the project could become, but since the Interchange was still making no progress, we set the plan aside and focused on the completion of the Majestic.

Then, the Watkins Mill Interchange project was canceled in 2015, and Parcel R received no design resources. Starting in 2018 and throughout the COVID period, we worked on the next apartment building in the Spectrum – Paramount North [which was approved in 2022-3 and is currently being priced].

In 2020, the Interchange opened, and we could at last begin meaningful work on the Majestic. Senior housing and senior housing financing had evolved and been dominated by Continuous Care Retirement Communities (CCRC) complexes, active adult projects in the sunbelt, and to an ever-diminishing extent – subsidized senior housing. The Senior Center remained unbuilt and – like so many others – in 2023 was being proposed as multigenerational. The Magnolia needed to evolve. With this, the architectural team added terraced units to the garage parking overlooking the Forest preserve, introduced a bridged connection on the 2nd through 4th floor, and concentrated the amenity spaces to those that are in demand (e.g., exercise room, swimming pool, outdoor gathering spaces, clubrooms, and kitchens, meeting rooms, etc.)³

Additional Density

The following images illustrate how density increases were achieved by changes to the building envelope -- without reducing the amenities of the building:

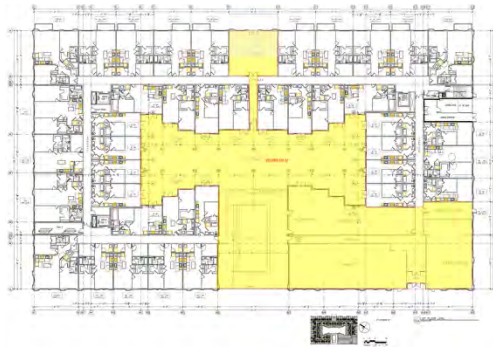
- a. Adding a Liner of units facing the seven-acre forest preserve
- b. Bridging over a portion of the elevated terrace with units
- c. Internal drive entrance ramps enable the building to expand to the north.

³ As noted in the presentation and Application, the residents within the Spectrum get to share the amenities and activities of all the multifamily buildings, opening up the opportunities to meet new friends and share time with each others company at the movie theaters, multiple swim pools, kid centers, four gymns, yoga pads, exercise equipment, etc.

The Ground Floor design is 7,700 square feet more efficient without eliminating amenities:



Initial Grade Plane study layout

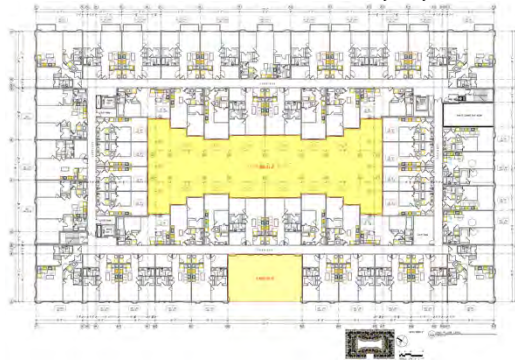


Current layout

The three Upper Floors are each 4,600 square feet more efficient without eliminating amenities :



Initial Grade Plane study layout



Current layout

For the four floors above grade, this totals an additional 21,500 SF of unit area, accommodating approximately 32 additional Studios, one-bedroom, one-bedroom dens, and two-bedroom units.

In addition, the design team added 31 units on the three garage levels by lining the garages facing the Forest preserve (middle-level terrace shown below):



Current layout

The Question of Unit Size :

Without having explained (a) how the 158 units were originally arrived at by the City in 2005-2007 and not having illustrated graphically the gains in relative efficiencies gains in the building design, several Council members questioned whether the units have “shrunk” to achieve greater density.

The short answer is that the unit sizes are generally targeted to be at or somewhat larger than the market, as can be seen through simple comparisons of unit sizes in comparable Class A apartments.

B. Is it realistic for a senior to expect to be able to secure an apartment at the Magnolia?

The simple answer is yes. While Fari Housing prohibits discrimination based on age or disability, the Paramount and Majestic apartments typically have 10-14 units ‘for lease’ at any moment throughout the year, as the typically younger residents buy houses, relocate for a different job, get married, or have kids.

Each tenant is giving a 90-day notice to let us know if they will be staying with us or moving, allowing for a smooth flow of units between residents. We would expect this number to increase proportionally with the addition of the Paramount North units (which also feature low-threshold showers) and the Magnolia units.

Respectfully submitted:

BPTC Thirteen, LLC

Leigh Henry
Leigh Henry, JD, CPM

Peter J. Henry
Peter Henry, JD, CPA

Matthew Walters
Matthew Walters, AIA