

Submitted January 25, 2022

Approved January 26, 2022

**MINUTES OF THE ROCKVILLE PLANNING COMMISSION  
MEETING NO. 01-2022  
Wednesday, January 12, 2022**

The City of Rockville Planning Commission convened in regular session  
via WebEx at 7:00 p.m.  
Wednesday, January 12, 2022

**PRESENT**

Suzan Pitman - Chair

Andrea Nuñez                      Sam Pearson  
John Tyner, II

**Present:** Nicholas Dumais, Senior Assistant City Attorney  
Jim Wasilak, Chief of Zoning  
David Levy, Assistant Director, Planning and Development Services  
John Foreman, Development Services Manager  
Sachin Kalbag, Principal Planner  
Sheila Bashiri, Principal Planner

Chair Pitman opened the meeting at 7:00 p.m., noting that the meeting is being conducted virtually by WebEx due to the coronavirus pandemic. Rockville City Hall is closed until further notice to reduce the spread of the virus, based on guidance from the Center for Disease Control (CDC) and state and local officials. Chair Pitman also designated Commissioner Tyner as “Chair Pro Tem” to preside over the Commission’s meeting should the Chair be absent for a meeting during 2022.

**I. REVIEW AND ACTION**

**A. Preliminary Plan of Subdivision Application PLT2021-00591, for Approval of the Proposed Lots for the Construction of Approximately 99 Townhomes, 96 Multi-Family Units and 213 Multi-Family Senior Housing Units in the Mixed-Use Corridor District (MXCD) at 11511 Fortune Terrace; EYA Development, LLC, Applicant**

Mr. Wasilak detailed that the Commission does not review very many preliminary plans because most projects similar to this one fall within a Planned Development or a Project Plan, for which the Project Plan approval would suffice as the preliminary plan. He added that the subject project, known as Potomac Woods, was not the subject of a Planned Development nor a Project Plan. Thereby a preliminary plan of subdivision would be required to implement the site’s previous approved site plan. He added that approval of final record plats would also be required following approval of the preliminary plan for the subject project.

Mr. Kalbag presented the subject application, noting that the proposed project was to implement a mixed-use development including a range of townhomes, two multi-family buildings, a senior

housing building and a fitness facility that was previously approved by the Planning Commission as part of Site Plan Application STP2020-00399, and the subject application further implements the project by defining the associated lots and parcels. Mr. Kalbag concluded that the preliminary plan was in compliance with the previously approved Level 2 site plan, as well as the Zoning Ordinance and the Comprehensive Plan, and recommended approval of the subject application subject to the findings and conditions in the staff report. Upon questioning from Commissioner Tyner, Mr. Kalbag noted that there were no changes to the project proposal since the site plan approval.

Jason Sereno of EYA Development briefly described the project and concurred with staff's findings and recommendations for the project. Commissioner Tyner inquired about the height of the proposed sound wall on the project's easternmost boundary abutting I-270. Mr. Sereno responded that the height will vary from 15 to 20 feet in height and will be implemented based on a final noise analysis. He added that the sound wall would be placed along the eastern boundary of the site and continue slightly into the project's interior to provide adequate noise protection for various parts of the project site. Commissioner Tyner also inquired about potential traffic mitigation measures that would be implemented with this project. Mr. Sereno responded that the development team had been in contact with various City and County traffic officials and that a number of measures, including signal timing adjustments and electronic speed signage, were being considered to provide safe traffic circulation and conditions for the proposed project.

Not hearing any objections, Chair Pitman called for a motion on the subject application. Commissioner Tyner moved, seconded by Commissioner Pearson, to approve Preliminary Plan of Subdivision Application PLT2021-00591, including a request for approval of a waiver to the required number of trees per lot, subject to the findings and conditions contained within the staff report. The motion carried unanimously 4-0.

## **II. Recommendation to Mayor and Council**

### **A. Sectional Map Amendment Application MAP2022-00123, to Rezone Property at 406 Great Falls Road from R-90 to R-90 (HD) to Place the Property in the Historic District Zone; Historic District Commission of Rockville, Applicant**

Mr. Wasilak briefly introduced the subject application, noting that the Planning Commission's role in review of a Sectional Map Amendment for historic designation is to provide a recommendation to the Mayor and Council on whether such application comports with the City's Comprehensive Plan and the purpose of historic zoning in the City. Mr. Wasilak then introduced Sheila Bashiri to further present on the subject map amendment and staff's updated recommendation.

Ms. Bashiri detailed the proposed Sectional Map Amendment to designate property located at 406 Great Falls Road as a historic district. She explained that the original request for designation was initiated by Peerless Rockville, a local non-profit historic preservation organization. She continued that the Historic District Commission (HDC) reviewed and voted to recommend historic designation to the Mayor and Council at its December 16, 2021 meeting, basing such

recommendation on the finding that the property met two of the adopted criteria for designation. She further presented on the details and historic aspects of the existing dwelling on the property, noting the property's inclusion in the Rockville Historic Buildings Catalogue as a good example of a Tudor Revival House, including its steeply pitched roofs, decorative brick detailing, and rounded arch doorways. She concluded with a recommendation that the Planning Commission find that the proposed designation does comport with the City's Comprehensive Plan and was in compliance with the purpose of the Historic District zone, and authorize staff to forward these findings to the Mayor and Council.

Commissioner Tyner noted that in the Planning Commission's development of the recently adopted Comprehensive Plan, the Commission expressed its desire to not conflict with the recommendations of the HDC in the Commission's review of sectional map amendments for historic designation. Commissioner Tyner also noted that with this particular application, consideration of designation of the site should not only be to consider the structure itself, but its context to the site and the surrounding properties.

Chair Pitman then called on speakers associated with subject application to provide their testimony. Erin Girard of the law firm of Miles and Stockbridge presented on behalf of the property owners, Joel Martinez and Ingrid Chao. She detailed that the historic designation process was initiated against the wishes of the property owners. She noted the HDC's previous evaluation of the property in 2007 where it found that historic designation was not warranted. She posited that no conditions or facts of the property have changed since the previous evaluation of the property and to recommend designation at this time would be problematic and unfair to the property owners.

Ingrid Chao, one of the property owners of 406 Great Falls Road, then gave testimony on the proposed sectional map amendment. Ms. Chao indicated her opposition to the proposed designation, noting that prior to her family's purchase of the property, the existing dwelling had sat vacant and experienced noticeable deterioration. She continued that approval of the proposed sectional amendment would significantly impact and burden her family's ability to continue as City residents. She recommended that the Commission oppose the proposed sectional map amendment.

Kathryn Kuranda, Senior Vice-President of Goodwin & Associates, Inc., a cultural preservation firm, then presented testimony. She detailed that her firm was hired by the property owners to evaluate the property's historic significance. Upon further detailed analysis of the property, Ms. Kuranda concluded with the findings of her firm's evaluation, that no changes had been made to the property since 2005, that the most recent action of the HDC considered the same data as it applied in 2007, that the existing dwelling continued to display a lack of historic integrity, and that contemporary development have negatively affected the property's original context.

Craig Moloney, an architect CEM Design Architects in Rockville, then provided testimony. Mr. Moloney noted that he was a Commissioner on the HDC in 2007 when it decided to not designate the subject property as historic. He noted that several modifications have been made to the existing

dwelling which have compromised the structure's historic integrity. He also added that no new evidence was noted from the HDC's previous evaluation to warrant designation of the property.

Nancy Pickard, Executive Director of Peerless Rockville, then gave her testimony. She detailed that Peerless Rockville initiated the process to designate the subject property as historic and asserted the reasoning and rationale for the designation were in accordance with several of the HDC's adopted criteria as well as in conformance with Comprehensive Plan. She added that Peerless Rockville concurred with the recommendation of the HDC to designate the property as historic. She covered the particular aspects of how the property met the HDC's approval criteria, including how the property conforms to certain architectural and landscape criteria. She also expressed that restoration is an acceptable activity for many historic properties and is not a new occurrence in the City. Ms. Pickard concluded by requesting that the Commission formally affirm the HDC's recommendation to designate the property as a historic district.

Noreen Bryan, a citizen of Rockville, then gave oral testimony, noting that she lives in close proximity to the subject property. She added that in her opinion, the subject property is a key landmark in the Great Falls Road gateway to Rockville. She added that the property is a part of the City's heritage and has been for nearly 80 years. She added that in many preservation efforts in urban areas, structures are often preserved but their surrounding landscapes are not. She added that the subject property provides a unique opportunity to preserve both the existing structure and its surrounding landscape and should be preserved. She concluded by requesting that the Commission forward the HDC's recommendation for historic designation to the Mayor and Council.

Margaret Magner, a City resident, then gave testimony. Ms. Magner noted the unique location of the property along the gateway into Rockville. She also added that many things have changed which now warrant designation of the property. She detailed that the Mayor and Council recently adopted the Comprehensive Plan which details certain historic preservation policies and goals in the area where the subject property is located. She further noted that the property is significant to the community as the Planning Area 4 community plan has provided specific language about preserving existing historic sites and their landscapes and anticipated that more properties would be designated. She noted that the neighborhood has increased in density over time which has resulted in fewer properties with the characteristics of the subject property. She concluded by urging the Commission to support the recommendation for historic designation.

Larry Giammo, a resident of Monument Street in the City, also offered his testimony. Mr. Giammo noted that the Commission's role in this application was not to re-litigate the HDC's decision on whether the subject property should be designated as a historic district, but rather its role is to determine if the HDC's recommendation is in conformance with the Comprehensive Plan. Mr. Giammo re-emphasized the highly recognizable and iconic building form of the existing dwelling as a Sears Belmont model home. He also noted that it would not take significant effort to restore the integrity of the property as it currently stands. Mr. Giammo added that this property is also significant because of its location within Rockville along a very prominent gateway to the City. He also countered that because there were similar examples of such homes already designated in the City, such occurrences do not proffer to whether the subject property should be designated. Mr. Giammo concluded that the adjacent home at 408 Great Falls Road provides a

good example of how a contextual addition could be added to the property by the owners. Mr. Giammo urged the Commission's support for the property's historic designation.

Miriam Bunow from Peerless Rockville offered her testimony, noting that it was not uncommon for older homes in the City to replace siding or windows, and noted that such items are included in the HDC's designation criteria when making its recommendations. She added that a characteristic of the Belmont model home was that it was customizable so that while each home had similar elements, their actual application could vary based on the owner's choice and preference. She added that this characteristic of customization also adds to the uniqueness and significance of the subject property and the era in which it originated.

Commissioner Pearson questioned, and Ms. Girard confirmed, that the current owners purchased the subject property in January 2021. Commissioner Pearson expressed that in his understanding, the adoption of the Comprehensive Plan and its contents on historic preservation for this area have perhaps presented certain constraints on the property owner that were not present before the adoption of the Plan. Commissioner Tyner also commented that there had been many single sites that had been approved as single-site historic districts and added that in such cases, those designations have added value to the surrounding neighborhoods. Commissioner Tyner further added that while he understood the impacts which could result from a property being requested for historic designation by a party other than the property owner, he emphasized that the subject application did conform to the Comprehensive Plan.

Chair Pitman signaled that she understood the position offered by Commissioner Pearson, but also added that the Comprehensive Plan was adopted by the Mayor and Council and that the Planning Commission would have to be guided by such document. Chair Pitman inquired of Mr. Moloney if he could recall the HDC's rationale for its 2007 decision on the subject property given that he was a member of the HDC at that time. Mr. Moloney responded that while he was a member of the HDC, he recused himself from consideration of the nomination on this property in 2007 due to his interactions with the property owner at the time to consider possible development on the property. Mr. Levy added that in 2007, the HDC did not recommend historic designation for the subject property. As a result, the property was never reviewed by the Planning Commission and thus, was never evaluated for conformance with a Comprehensive Plan to staff's knowledge, until the current application.

Ms. Bashiri and Mr. Levy further explained the criteria for which the Planning Commission could provide a recommendation on the subject sectional map amendment. After further discussion, Commissioner Tyner made a motion that, based on staff's listed findings, the Planning Commission find that the proposed Sectional Map Amendment MAP2022-00123, to change the zoning of 406 Great Falls Road from R-90 to R-90 (HD), if approved by the Mayor and Council, to be consistent with the Comprehensive Plan and with the purpose of the Historic District zone within the Zoning Ordinance, and that these findings be forwarded to the Mayor and Council. Commissioner Nuñez seconded the motion. The motion carried 4-0.

### III. COMMISSION ITEMS

- A. Staff Liaison Report** – Mr. Wasilak reported that the next meeting would be on January 26, in which the Commission would review a Level 2 site plan application for the King Buick property. He added that since a project plan was previously approved by the Mayor and Council, a preliminary plan of subdivision would not be required for that project. Mr. Wasilak added that the Mayor Council had rescheduled its review on the implementation of the Comprehensive Plan to its January 31 meeting. Mr. Wasilak also added that the City Manager had recommended a phased re-opening of City Hall with details to be forthcoming but added that future ongoing meetings of the Commission would continue as virtual meetings for the foreseeable future. There are plans for a hybrid approach for in-person and virtual meetings in the future.

Commissioner Tyner requested that the Comprehensive Plan implementation matrix be provided in print for viewing by the Commissioners in order to have a full view of the many items being considered. Mr. Wasilak responded that such items would be made available for Commissioners.

- B. Old Business** – Chair Pitman inquired if there was any new information on the MD 355 bikeway study. Mr. Wasilak responded that he would contact the City’s Bicycle and Pedestrian coordinator to gather more information.
- C. New Business** – Commissioner Tyner noted that there would be a meeting of the North Bethesda Transportation Management District Committee on January 19, in which it would consider the proposed BRT line from Bethesda to Rockville. He added that he would forward to the Commissioners and staff any notes provided for further consideration and its potential impact on downtown Rockville.

#### **D. Minutes Approval**


Chair Pitman asked if there were any changes needed to the minutes of the Commission’s December 8, 2021, meeting. Commissioner Pearson moved to approve the December 8, 2021, minutes as drafted. The motion was seconded by Commissioner Tyner. The motion carried unanimously 4-0.

- E. FYI/Correspondence** –Mr. Wasilak noted that there was no further correspondence other than those that the Commission received related to the agenda items for tonight’s meeting. Mr. Wasilak noted that additional pieces of testimony were received after the initial meeting agenda had been posted, and that such testimony was provided via a link in a reposted meeting agenda on the web for public access.

### IV. ADJOURN

There being no further business to come before the Planning Commission, Commissioner Tyner moved, seconded by Commissioner Pearson, that the meeting be adjourned at 8:57 p.m. The motion was approved unanimously.

Respectfully Submitted,

A handwritten signature in blue ink that reads "R. James Nasulak". The signature is written in a cursive style with a prominent initial "R" and a distinct dot over the "i" in "Nasulak".

Commission Liaison