

Submitted February 13, 2023

Approved February 15, 2023

**MINUTES OF THE ROCKVILLE PLANNING COMMISSION
MEETING NO. 1-2023
Wednesday, January 25, 2023**

The City of Rockville Planning Commission convened in regular session at City Hall and virtually via WebEx at 7:00 p.m.
Wednesday, January 25, 2023

PRESENT

Andrea Nuñez - Chair

Suzan Pitman

Eric Fulton

John Tyner, II

Sam Pearson

Present: Nicholas Dumais, Senior Assistant City Attorney
Jim Wasilak, Zoning Administrator
Nelson Ortiz, Principal Planner

Chair Nuñez opened the meeting at 7:00 p.m., noting that the meeting was being conducted in a hybrid format both in-person at City Hall and virtually via WebEx.

I. REVIEW AND ACTION

A. Waiver Application WAV2023-00003 – to Allow for the Placement of Mechanical Equipment Within an Area Greater Than 25 Percent of the Existing Building’s Rooftop and to Allow the Top of the Mechanical Equipment to be Visible from Street Grade, at 1 Preserve Parkway in Tower Oaks; Longfellow Real Estate, Applicant

Nelson Ortiz presented the application outlining the request to allow the placement of mechanical equipment at an area greater than 25% of the existing building’s rooftop and to allow the top of certain equipment to be visible from street grade. Mr. Ortiz mentioned that the application request satisfied the criteria for granting the waiver in that it was architecturally compatible with both the building on which it is to be erected and adjacent buildings, and is not contrary to the City’s Zoning Ordinance or Comprehensive Plan. Based on this, staff recommended approval subject to the conditions in the staff report.

Heather Dlhopsky of the law firm Wire Gill, Larry Chen of Longfellow Real Estate and Aaron Altman HOK Architects provided a presentation on behalf of the applicant. Commissioner Tyner asked if the exhaust and anticipated number of fume hoods were sufficient for air exchange and potentially for expansion should a tenant need it. Mr. Altman replied that this was accounted for based on assumptions, and the floors would allow for more fume hoods if tenants needed them. Commissioner Pitman also asked about the exhaust system and the specifics of it. Mr. Altman

mentioned that the fumes in the air will be diluted as they reach the exhaust, and with the vertical nature of the exhaust along with the height, this would further dilute the air by the time it's released to the atmosphere. Commissioner Pearson asked about the noise and smell elements and potential public health concerns. Mr. Chen mentioned that the applicant has similar buildings across other States and are experienced in this regard. He added that there have been no real concerns and complaints, and that they have a history of constructing such structures with a lot of tenants, in which they comply with all local and State guidelines.

Mr. Altman mentioned that as part of the design and development process they carried out two studies for noise generation and how the air is dispersed from the exhaust. Chris Karner with Polysonics also talked about the noise study and stated that noise emitted would be below the noise code allowances. Commissioner Pitman asked about the decibel level and how it would impact adjacent residents in relation to a train going by. Mr. Karner responded that this noise would be more constant in nature than a train stopping/going by at the station but would be a lower decibel and as a result should be less noticeable. Commissioner Fulton asked if the 37 decibels that Mr. Karner referenced could be compared to what exists currently, to which Mr. Karner responded that it could not be.

Several members of the public voiced their opinions on the proposed waiver and resulting work to the project. Alina Burke mentioned her hopes that the fumes would be safe for the atmosphere. Ashley Glosson stated her concerns for harmful chemicals and potential accidents from usage and environmental fears. Benjamin Rasssaalem echoed his concerns for public safety in case of chemical accidents. Bruce Rafay asked the Commission to consider this case very carefully due to an instance of a chemical leak that occurred previously from similar usage. Dori Yeron also shared the same public health safety concerns from chemical usage.

In response to Commissioner Tyner, Mr. Wasilak mentioned that there would not be additional discretionary approvals for the building to come into Research and Development use as Office and R&D usage are seen as similar uses, according to the City code.

Mr. Altman and Mr. Chen stated that while the tenant and exact use of the site is not yet known, there would be an in-house safety consultant. Furthermore tenants are typically required to have their own safety plans, guidelines and safety consultants, who perform due diligence.

Commissioner Fulton made a motion to approve Waiver Application WAV2023-00003 – to Allow for the Placement of Mechanical Equipment Within an Area Greater Than 25 Percent of the Existing Building's Rooftop and to Allow the Top of the Mechanical Equipment to be Visible from Street Grade, at 1 Preserve Parkway in Tower Oaks, subject to the conditions in the staff report. Commissioner Pitman seconded the motion. The motion was approved unanimously 5-0.

II. DISCUSSION ITEM

Planning Commission Retreat: Zoning and Rockville. The Planning Commission will hold a retreat on Saturday, January 28, 2023 to discuss a number of topics related to zoning in Rockville, given that the process to rewrite the City's Zoning Ordinance is about to begin. The Commission will record a helpful informational video for interested stakeholders who wish to learn more about zoning and how the City's zoning ordinance impacts the physical development of the City as an initial step in the review process.

Mr. Wasilak talked about the upcoming retreat on January 28, 2023. Mr. Wasilak mentioned 3 sessions that were planned; an online course on how zoning shapes Cities, a placemaking presentation from Ricky Barker (CPDS Director) and a historic preservation presentation from Christopher Myers (Historic Preservation Principal Planner). Commissioner Tyner mentioned that members of the public are welcome to come, although they would not be participating.

III. COMMISSION ITEMS

- A. Staff Liaison Report** – Mr. Wasilak stated at the next meeting on February 8th he anticipated a final record plat for Potomac Woods which would be a reapproval of a previously approved plat. There would also be a discussion of the Town Center Master Plan project, as well as the Text Amendment on the Interim Zoning Ordinance. The Commissioner discussed potentially changing the next Planning Commission meeting date from February 22 to February 15, 2023, to be confirmed by commissioners emailing Mr. Wasilak.
- B. Old Business** – Mr. Wasilak mentioned that Mayor and Council authorized the filing of a text amendment to permit accessory apartments as conditional uses opposed to special exception uses, and also reauthorized the text amendment for ADUs (Accessory Dwelling Units).
- C. New Business** – None
- D. Minutes Approval** – Chair Nunez asked if there were any changes needed to the minutes of the Commission's November 30, 2022 meeting. Commissioner Fulton clarified a point he made earlier during the meeting to be amended in the Minutes. Commissioner Pitman made the motion to approve the November 30, 2022 minutes with the change mentioned by Commissioner Fulton. The motion was seconded by Commissioner Fulton. The motion was approved unanimously 5-0.
- E. FYI/Correspondence** – None

IV. ADJOURN

There being no further business to come before the Planning Commission, Commissioner Fulton moved, seconded by Commissioner Nunez, that the meeting be adjourned at 8:56 p.m. The motion was approved unanimously.

Respectfully Submitted,

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

Commission Liaison