

Submitted April 3, 2019
Approved April 10, 2019

**MINUTES OF THE ROCKVILLE PLANNING COMMISSION
MEETING NO. 9-2019
Wednesday, March 13, 2019**

The City of Rockville Planning Commission convened in regular session in the Mayor and Council Chambers at 7:00 p.m.
Wednesday, March 13, 2019

PRESENT

Gail Sherman – Chair

Anne Goodman

Sarah Miller

Don Hadley

John Tyner II

Rev. Jane Wood

Absent: Charles Littlefield

Present: Ricky Barker, Director of Community Planning and Development Services
Eliot Schaefer, Assistant City Attorney
Jim Wasilak, Chief of Zoning
David Levy, Chief of Long Range Planning
Barry Gore, Principal Planner

I. DISCUSSION

A. Release Public Hearing Draft of Comprehensive Plan and Set Public Hearing Dates

David Levy presented the public hearing draft of the Comprehensive Plan. After discussion, the Commission agreed to modify the language shown in the last item in the bulleted list of Comprehensive Plan Principles on page 2 of the draft, to read “Foster a vibrant, multicultural, and successful downtown and growing activity centers.”

The Planning Commission agreed to release the Public Hearing draft on March 14 with the above change. The public hearings were scheduled for May 15, May 22 and June 4.

The Commission also approved the proposed Ground Rules for the Planning Commission Public Hearings, with minor edits to list the dates of the hearings, and to clarify that persons may speak at only one of the hearings.

B. Review and Comment on Proposed Development Rights and Responsibilities Agreement (DRRA) Ordinance

Eliot Schaefer presented the staff report and recommendation on the subject, and noted that, at their March 4 meeting, the Mayor and Council had requested that the proposed DRRA ordinance be provided to the Planning Commission for their review and comment. He explained that the purpose of the DRRA is to vest development rights in a property owner for a period of time,

enabling a long-term development to proceed in accordance with the land use and zoning regulations in place at the time agreement is entered into. In return, jurisdictions frequently seek enhanced public benefits beyond what would normally be obtained through the development review process. In response to a question from the Commission, Mr. Schaefer explained that the DRRA does not take the place of the development approval process.

Commissioners discussed whether the DRRA ordinance was advantageous to the City, and whether it was needed. Ricky Barker explained that one of the reasons jurisdictions enact such legislation is to minimize the uncertainty for a developer that is making long term investment in their project and the City. Mr. Schaefer clarified that any person acting as a developer could request a DRRA, regardless of whether a project was approved or not. The most likely situation where a developer would request to enter into a DRRA would be when there is a development with a long-term build-out.

Comments received from commissioner members included the following, although they did not constitute a consensus opinion:

- There was not a need for a DRRA ordinance;
- That there is the potential to “freeze” the City’s regulations for too long, to the detriment of the City;
- That freezing regulations could occur too early in the development process, and that this could bypass the careful planning that occurs at the Commission level;
- There is the potential for a “beauty contest” among developers;
- The five-year period is too long and should be of shorter duration;
- There have been other jurisdictions where agreements have not gone well;
- There should be a specific duration in terms of number of years;
- There should be location, use and density criteria to qualify;
- The ordinance should be clear as to what qualifies as an enhanced public benefit, such as defining how much above a minimum requirement constitutes an enhanced public benefit;
- The minimum requirement constitutes an enhanced public benefit should be defined for each benefit listed.
- A project must qualify for more than one element (such as 3-5) to qualify for enhanced public benefit.
- Designation of a development as a Champion Project should not constitute an enhanced public benefit;
- In agreement with Staff’s recommendations:
 - Forward funding should not be a criterion unless it alleviates a deficiency.
 - The water and sewer element should be deleted as a qualifying element.
 - The traffic and transportation element should be clarified.
- Certain listed items that might qualify as enhanced public benefits should be defined, including “recreational facilities” and “public safety facilities.”

The Commission asked when a proposed DRRA would be considered by the Planning Commission. Mr. Schaefer stated that the likely scenario is that the DRRA would come forward

soon after the Commission considered the development application. Jim Wasilak stated that he thought that it would be possible that the development plan might be approved by the Mayor and Council and then the DRRA would come forward soon afterward.

The Commission noted that the Mayor and Council asked for comments, but did not ask for a recommendation from the Commission as a body, and the Commission could provide a recommendation when the ordinance came back. Mr. Schaefer clarified that the Commission was not scheduled to see the proposed DRRA ordinance again because it is proposed be codified in a new chapter of the City Code, and it is not proceeding as Zoning Text Amendment to amend the Zoning Ordinance. In response to a question as to whether a DRRA would be burdensome on a property owner, it was clarified that a DRRA is optional. A commissioner asked why the DRRA ordinance was not included in the Zoning Ordinance, and the response was that the DRRA ordinance itself was not a zoning or land use regulation like the provisions contained in the Zoning Ordinance.


II. COMMISSION ITEMS

- A. Staff Liaison Report – Jim Wasilak reported that the next meeting would be on March 27, when staff will do a briefing of the proposed sign code text amendment. Ricky Barker will also present to FaST Charter, which is the Faster, Smarter and Transparent changes to the City's Development Review and Permitting processes.
- B. Old Business – None.
- C. New Business - None.
- D. Minutes – None.
- E. FYI Correspondence – None.

III. ADJOURN

There being no further business to come before the Planning Commission, Commissioner Wood moved, seconded by Commissioner Hadley, to adjourn the meeting at 8:30 p.m. The motion was approved unanimously.

Respectfully Submitted,



Commission Liaison

