

Submitted: June 23, 2021

Approved: June 23, 2021

**MINUTES OF THE ROCKVILLE PLANNING COMMISSION
MEETING NO. 8-2021
Wednesday, April 28, 2021**

The City of Rockville Planning Commission convened in regular session
via WebEx at 7:00 p.m.
Wednesday, April 28, 2021

PRESENT

Suzan Pitman - Chair

Charles Littlefield	Andrea Nunez
Sarah Miller	Sam Pearson
	John Tyner II

Absent: Anne Goodman

Present: Nicholas Dumais, Assistant City Attorney
Jim Wasilak, Chief of Zoning
John Foreman, Development Services Manager
Andrea Gilles, Comprehensive Planning Manager
Sachin Kalbag, 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.

I. REVIEW AND ACTION

A. Final Record Plat PLT2021-00590, for the Resubdivision of Property at 905 Maple Avenue to Create Three Record Lots in the R-60 Zone; RCG Development LLC, Applicant

Chair Pitman recused herself from review and vote on this item. Commissioner Littlefield served as Chair for this item.

John Foreman presented a review of the property and staff report, which recommended approval of the application to subdivide the property for two additional single family lots, and for a waiver of the lot width for Lot 11. Mr. Foreman mentioned that a similar application had been approved for the subject site by the Commission, and that the applicant had submitted the subject application to correct the lot lines to provide sufficient setbacks to accommodate retaining the existing residence on one of the lots.

Commissioner Tyner inquired of staff if the off-street parking requirements would be met for the properties created by this application. Mr. Foreman responded that there was adequate space on-

site to provide the required parking spaces, and such parking would be further evaluated at the time of permitting.

Commissioner Littlefield asked about parking enforcement in the City for streets and/or alleys, and also inquired about approval of “pipestem” lots or lots with limited access to streets. Mr. Foreman responded that the City enforces “parking” and “no-parking” zones throughout areas in the City and mentioned that blocking of a public right-of-way or alley, is prohibited. He also mentioned that none of the proposed lots would be considered “pipestem” lots, as all proposed lots fulfill the frontage and access requirements. Mr. Wasilak added that the proposed vehicular access from the adjacent alley was permissible and was not unlike neighboring properties.

Commissioner Littlefield also asked if there were similar public comments provided for the subdivision application for this site in 2020. Mr. Wasilak responded affirmatively that there were similar comments offered previously ranging from general concerns about more development in the form of more lots created to specific concerns about traffic and parking on Maple Avenue. Commissioner Tyner added that with the previous application, most of the opponents were commenting on parking within the alley on neighboring properties, but added that for the subject properties, all the requirements are being met.

Mr. Foreman confirmed a comment by Commissioner Littlefield that approval of the subject application does not require the existing single-family dwelling to remain, although the applicant proposes to retain this structure.

Rob Gilroy, applicant, provided that extensive restoration has been provided to the existing single-family dwelling for the use of his son, and he reiterated his intent for the home to remain and not be demolished in the near future.

Commissioner Tyner moved, seconded by Commissioner Nunez, to approve Final Record Plat application PLT2021-00590, for the resubdivision of property at 905 Maple Avenue that will create three record lots in the R-60 Zone, and approve the requested subdivision waiver, subject to the findings and conditions contained in the staff report. The motion carried by a vote of 4-0, with Commissioners Miller and Goodman absent from the vote and Chair Pitman abstaining.

B. Final Record Plat PLT2021-00587, for the Resubdivision of Property at 1592-1616 Rockville Pike to Create One Record Lot, Dedicate Land for Public Use and Create a Private Street in the MXTD Zone; 1592 Rockville Pike LLC, Applicant

Chair Pitman resumed as the Chair for this item.

Sachin Kalbag presented a review of the application and staff report, which recommended approval of the subject application to create one record lot to support redevelopment of the property into a mixed-use development.

Commissioner Pearson requested an explanation on the difference between a record plat and ownership plat. Mr. Kalbag and Mr. Wasilak responded that a record plat represents lots which

meets the necessary requirements upon which to build a structure and further defines the lot lines and property boundaries for a property, while an ownership plat delineates ownership interest within a single record lot or on multiple record lots.

Chair Pitman welcomed the applicant, who was represented by Matthew Gordon, of the law firm Selzer Gurvitch and Brian Downie, project manager, from Saul Centers Inc. Mr. Gordon and Mr. Downie both thanked staff and the Commissioners for their consideration of the subject application and requested that it be approved.

Commissioner Littlefield inquired about the naming of the proposed, "Festival Street" with the application. Mr. Wasilak explained that it is customary in review of proposed streets for staff to coordinate with the Montgomery County Planning Department, who controls street names for the unincorporated parts of the County, and this coordination is done to avoid duplicative street names throughout different parts of the County. Mr. Wasilak continued that the primary reason for not duplicating street names is to allow for clarity for emergency responders in proceeding to the correct site in an emergency. He concluded that, despite the County's recommendation to not proceed with the proposed "Festival Street" because of similarly named streets in Boyds, staff recommended in favor of the proposed name due to the approximately 15-mile distance between the existing and proposed streets. He added that it was the opinion of staff that such a distance would not create a conflict for emergency responders in being dispatched to the wrong location, and he noted that the Commission does have the authority to establish street names within the City.

Commissioner Tyner noted that the County does have street names which have the same main name but different street-type designations, and on such occasions, the County's practice is to not have similarly named streets within the same zip code for mail delivery purposes. He added that while the County's response to the proposed street name noted that the street name should not be used, it did not mandate that the proposed street name could not be used.

Commissioner Littlefield moved, seconded by Commissioner Tyner, to approve Final Record Plat application PLT2021-00587, for the resubdivision of property at 1592-1616 Rockville Pike to create one record lot, dedicate land for public use and create a private street in the MXTD Zone, subject to the findings and conditions in the staff report, including a revised Condition #10 to add "if applicable.". The motion carried 5-0, with Commissioner Miller abstaining and Commissioner Goodman absent.

C. Ownership Plat PLT2021-00589, for the Creation of Two Ownership Lots from a Record Lot in the MXTD Zone; 1592 Rockville Pike LLC, Applicant

Sachin Kalbag presented a review of the application and staff report which recommended approval of the subject ownership plat for two ownership lots on a single record lot. Mr. Kalbag explained that the subject ownership plat was for the same site that was the subject of the previous record plat item, approved by the Commission at this meeting. He added that the purpose of the ownership plat was to accommodate financing and the separate ownership of building components on the record lot. Mr. Kalbag noted that staff was recommending that

Condition #2 found in the staff report, requiring a Declaration of Covenants and Easements, be excluded because the ownership lots are for financing purposes only and are not intended to be sold or conveyed separately.

Commissioner Tyner asked if this ownership plat was necessitated because of how the property was originally assembled from a previous owner. Mr. Dumais responded that the ownership lot is necessary because while a portion of the property is owned by the developer outright, the other portion of the property is owned by a different party, for which the developer has engaged in a long-term lease for such portion.

Chair Pitman welcomed the applicant, who was represented by Matthew Gordon, of the law firm Selzer Gurvitch, and Brian Downie, project manager, from Saul Centers Inc. Mr. Gordon and Mr. Downie both thanked staff and the Commissioners for their consideration of the subject application and requested that it be approved.

Commissioner Tyner moved, seconded by Commissioner Miller, to approve Ownership Plat application PLT2021-00589, for the creation of two ownership lots from a record lot in the MXTD Zone, subject to the findings and conditions in the staff report, excluding Condition #2, as discussed. The motion carried 6-0, with Commissioner Goodman absent.

D. Ownership Plat PLT2021-00588 for the Creation of Two Ownership Lots at 1450-1550 Research Blvd in the MXE Zone; Twelve Oaks Investment LLC, C/O Westat LLC, Applicant

Commissioner Littlefield recused himself from review and vote on this item.

Sachin Kalbag presented a review of the application and staff report which recommended approval of the subject ownership plat for two ownership lots on a single record lot. He added that the purpose of the ownership plat was to accommodate financing and the separate ownership of the record lot and the site improvements that will be located thereon rather than formal subdivision.

Chair Pitman welcomed the applicant, who was represented by Phillip Hummel, of the law firm of Miles and Stockbridge, along with Derek Ellis, David Reesman, Mark Heims and Greg Hackman of Westat LLC, Jeff Lewis of Site Solutions Inc., and Barbara Sears of Miles and Stockbridge. Mr. Hummel indicated that the applicant had reviewed the staff report and consents to the conditions stated. He further thanked staff for their analysis on the staff report.

Commissioner Tyner moved, seconded by Commissioner Nunez, to approve the Ownership Plat application PLT2021-00588, for the creation of two ownership lots at 1450-1550 Research Blvd in the MXE Zone, subject to the findings and conditions contained in the staff report. The motion carried 5-0, with Commissioner Littlefield abstaining and Commissioner Goodman absent from the vote.

II. BRIEFING

A. Briefing on the Zoning Text Amendment (TXT2021-00258) and Sectional Map Amendment (MAP2021-00120) for the North Stonestreet Avenue and Park Road and North/South Stonestreet Avenue Plan Amendment Areas

Andrea Gilles presented on the timeline and background of the proposed amendment, noting that the subject amendments have been formulated from ongoing planning efforts from previous neighborhood plans and plan amendments. Mr. Wasilak reminded the Commissioners that this briefing on the proposed Zoning Text Amendment and Sectional Map Amendment was the beginning step in the Commission's review of the amendment, with further discussion and recommendation to follow at a subsequent meeting.

Ms. Gilles further explained the proposed amendments, detailing that such amendment would assist to formally implement the plan amendments, recently approved by the Mayor and Council for the subject North Stonestreet Avenue and Park Road as well as North/South Stonestreet Avenue areas. She added that the Zoning Text Amendment proposes to make changes to the existing zones and create a new zone within the Zoning Ordinance, while the Sectional Map Amendment proposes to apply the new and revised zones to identified properties.

Mr. Wasilak further presented the details of the proposed amendments, including changes in standards to the existing RMD (Residential Medium Density) Zones and the creation of the new RMD-Infill Zone, with both zones proposing to allow a range of housing types including two-unit detached, semi-detached or attached dwellings. He further noted that the RMD-Infill Zone would incorporate design guidelines for buildings to ensure compatibility with the surrounding residential neighborhood and lots within this zone would be limited to a maximum of four dwelling units with a guiding ratio of 1 unit per 2,000 sf of lot area. Mr. Wasilak also mentioned that an artisanal craft production and a two-unit detached dwelling use are also proposed to be added to the code, to reflect the plan amendment recommendations to allow wider range of local business opportunities and more flexibility and housing options, respectively.

Mr. Wasilak welcomed feedback on the proposed amendments, including whether the townhouses or rowhouses should be accommodated in the new RMD-Infill zone, should such development be reviewed through a site plan or permit review process, and should certain parking requirements be reduced if meeting certain criteria.

Commissioner Nunez asked for a clarification on the housing types which proposed in the amendment, including the difference between a, "townhouse" and a, "rowhouse." Mr. Wasilak explained that rowhouse are more characteristic of an urban setting where the rowhouses are close to the street and help to define the street edge whereas townhouses are more characteristic of a suburban environment and often are setback from the street and fronted by a parking lot. Ms. Gilles added that a defining characteristic between the housing types is the scale of buildings and parking, with rowhouses often having front porches and vehicular access and parking in the rear of the unit via an alley or limited on-street parking along the front of the unit. She added that suburban townhouses often have front-loaded, ground-floor garages and often do not include a front porch.

Commissioner Tyner mentioned a written resource in his possession on “Missing Middle” housing which he referenced provides additional background information and case studies on implementing the various housing types proposed in the subject amendments. Commissioner Tyner offered to share the document with any fellow Commissioners to assist in further information on the topic. He also mentioned that the Commission should comment on the proposed housing types in the Commission’s further review of the proposed amendments.

Commissioner Littlefield commented that he was supportive of the proposed artisanal craft definition but offered it may be bolstered by additional languages such as if food production or sale would be included. He also proposed that the definition may benefit from an expansion to allow, “entrepreneurial” uses which are not necessarily, “artisanal,” but compatible to the surrounding neighborhood. Commissioner Littlefield also supported the exclusion of townhouses from the allowed housing types proposed in the amendments, adding that including townhouses would be inconsistent with the recent plan amendment’s vision for the area. He also posited that a large-scale development including the proposed housing types should require a public review process. He also inquired if separate design guidelines, similar to the recently completed East Rockville Design Guidelines, were anticipated with the proposed amendments. Ms. Gilles responded that in contrast to the East Rockville Design Guidelines, design standards would be directly incorporated into the regulations of the proposed zones within the Zoning Ordinance. She added that many of the proposed design regulations mirror components of the East Rockville Design Guidelines. Commissioner Littlefield encouraged the requirement of functional balconies for multi-unit residential structures proposed in the amendments.

Chair Pitman asked if the proposed amendments posed any conflicts with the Rockville Metro Study and working with WMATA and improving pedestrian access in the neighborhood to the metro station. Ms. Gilles responded that in the progress and development of the proposed amendments, staff has worked with WMATA to inform them of the proposed amendments and WMATA has not objected or raised concerns with the proposed amendments. She added that in conversations with WMATA, they have been, in general, supportive to the potential option of adding density around the Metro station.

Commissioner Tyner commented that in regards to the review process for developments including the proposed housing types in the amendments, given that the proposed amendment would largely cover infill redevelopment of existing properties, the public should be notified and included in the review process. He added that in consideration of the proposed amendment, the Commission might want to consider limiting parking requirements in order to address the abundance of cars in the neighborhood and the issues which result from that situation. Commissioner Tyner also added that if permitted, townhouses and rowhouses should incorporate distinctive design elements which comply with the aesthetic of the neighborhood and avoid the, “cookie-cutter,” style of townhomes and rowhouses found in other areas of the City. Commissioner Nunez requested that a summary of the input from the neighborhood community be provided so that some context could be given to how the proposed amendments were developed and what the community stance has been. Ms. Gilles responded that the plan amendments for the area including much of the requested background information, including

input from the Lincoln Park and East Rockville communities, could be forwarded to the Commission for further review.

III. COMMISSION ITEMS

A. Staff Liaison Report – Jim Wasilak reported that the proposed North/South Stonestreet and Park Road text and map amendments were anticipated to be on the Commission next meeting agenda for May 12. He added that another proposed text amendment, authorized by the Mayor and Council, to revise certain procedural items for development within the Zoning Ordinance, was anticipated for the May 12 meeting.

B. Old Business – Rockville Metro Station Study update: Ms. Gilles updated the Commission on tentative dates for the upcoming Metro visioning workshops with WMATA on May 4 and May 15.

Joint Work Session with the Mayor and Council on the draft Rockville 2040 Comprehensive Plan: Chair Pitman announced that the Planning Commission had been invited to attend several upcoming Mayor and Council work sessions. She expressed that while not mandatory, it would be helpful for several of the Commissioners to attend in order to offer feedback and answer questions if posed. Commissioner Miller noted that beginning the work session earlier in the Mayor and Council's agenda may be helpful for Commissioners attending.

C. New Business – Mr. Wasilak and Mr. Dumais offered that the Commission may want to consider the designation of a Vice-Chair in order to facilitate Commission meetings in the event that the Chair is absent or unable to join the meeting. The Commissioners agreed to further consider the issue at a future meeting.

D. Minutes Approval

Meeting No. 03-20, January 22, 2020: Commissioner Tyner moved, seconded by Commissioner Littlefield, to approve the minutes for Meeting No. 3-20 as drafted. The motion passed 4-0, with Commissioners Nunez and Pearson abstaining and Commissioner Goodman absent.

E. FYI/Correspondence – Mr. Wasilak noted the correspondence received for the items received for this meeting's review and action items, as previously mentioned.

IV. ADJOURN

There being no further business to come before the Planning Commission, Commissioner Nunez moved, seconded by Commissioner Littlefield, that the meeting be adjourned at 9:13 p.m. The motion was approved unanimously.

Respectfully Submitted,

R. James Nasulik

Commission Liaison