

Submitted July 14, 2021

Approved July 14, 2021

**MINUTES OF THE ROCKVILLE PLANNING COMMISSION
MEETING NO. 09-2021
Wednesday, May 12, 2021**

The City of Rockville Planning Commission convened in regular session
via WebEx at 7:00 p.m.
Wednesday, May 12, 2021

PRESENT

Suzan Pitman - Chair

Charles Littlefield	Andrea Nunez
Sarah Miller	Sam Pearson
	John Tyner II

Absent: Charles Littlefield

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. RECOMMENDATION TO MAYOR AND COUNCIL

A. Recommendation to the Mayor and Council on Zoning Text Amendment TXT2021-00258, for Changes to Setback and Open Space Requirements for the Residential Medium Density (RMD) Zones and the Creation of a New RMD-Infill Zone to Implement the Comprehensive Master Plan Amendments for the North Stonestreet Avenue and Park Road and the North/South Stonestreet Avenue Areas; Mayor and Council of Rockville, Applicant

Mr. Wasilak briefly recalled for the Commission the proposed text amendment and its corresponding sectional map amendment (Item I.B for this meeting agenda), which recommends several new land uses ranging from mixed-use to attached residential units and their application within certain areas, for which staff previously introduced in a briefing at the Commission's meeting on April 28. He added that this meeting was intended for the Commission to provide and transmit its recommendation on the proposed amendments to the Mayor and Council, which would further hold a public hearing and review the Commission's recommendations at a later date.

Andrea Gilles further presented the staff's recommendations for the amendment, including addressing the Commissioners previous request to certain elements within the amendment. Specifically, she detailed that staff's recommendation was for development in the proposed RMD-Infill Zone to follow the building permit review process. She explained that the rationale for this recommendation originated in that the proposed amendment would be for a limited amount of relatively small-scaled properties in the City, and when compared with the proposed design standards, would offer a less onerous process to implement the envisioned development while ensuring compatibility with the surrounding area.

Commissioner Tyner questioned what public notification would be provided if the proposed development followed the permit review process. Mr. Wasilak indicated that new regulations within the Zoning Ordinance require that signage be posted on a property, alerting the surrounding community that a building permit on the property has been approved with the City. Commissioner Goodman noted that she would like the proposed development to follow the site plan review process.

Commissioner Nunez inquired how the proposed RMD-Infill Zone area compared with other areas where the building permit review process is established. Ms. Gilles responded that while the zoning text amendment establishes the RMD-Infill Zone in the Zoning Ordinance, including the development review regulations for that zone, the actual proposed RMD-Infill Zone is proposed to be applied to the North/South Stonestreet Avenue areas with the sectional map amendment. She added that the proposed Rockville 2040: Comprehensive Plan Update identifies the RMD-Infill Zone also being applied to other areas in the City where similar infill development would be appropriate, and thus would follow the same building permit review.

Chair Pitman questioned how various projects would be reviewed given that the proposed amendment proposes to allow a variety of attached dwelling building types from semi-detached dwelling to several unit structures, which could pose different impacts to surrounding properties. Ms. Gilles responded that the proposed text amendment provides for limits to the intensity of the residential use with a maximum of four units per lot and requires each record lot to be developed individually and prohibits the consolidation of lots to facilitate a large-scale development. Mr. Wasilak added that the proposed amendment requires the subdivision of large properties within the RMD-Infill Zone in order to proceed with the intended attached and multi-unit residential development allowed within the zone in order to replicate the single-family residential nature of the surrounding area. Chair Pitman noted that the proposed amendment does not prevent the possibility of a developer acquiring several contiguous properties and developing them into several quadplexes, thus creating a "pseudo-development" without any public or review process.

Commissioner Tyner commented that in the past, several properties have been consolidated in order to facilitate developments of higher intensities. He added that it may be more economically beneficial for developers to develop several units on one property, as the amendment proposes, rather than having to consolidate properties in order to develop multiple units.

Commissioner Nunez questioned whether there were any other areas within the City where similar housing was permitted through the building permit review process. Ms. Gilles and Mr. Wasilak responded that in the R-40 Zone, duplex units were permitted through the building permit review process, which closely resembles the proposed housing in the amendment.

Commissioner Goodman reemphasized her desire to see quadplexes go through a site plan review process while potentially allowing the lower density options of duplexes to proceed through the building permit review process. Commissioner Pearson and Chair Pitman agreed with Commissioner Goodman on this distinction in review process between lower and higher density developments. Chair Pitman further questioned whether permitting quadplexes and triplexes without site plan review was in the best interest of the City in fully analyzing their impact on neighbors, given that such developments may not offer the community benefits in amenities that a larger scale development would.

Mr. Wasilak summarized the options for the Commission to convey its recommendations to the Mayor and Council. The Commissioners agreed that there should be a differentiation between in review process for developments of different unit counts, and that quadplexes should follow the site plan review process. The Commissioners also agreed to proceed by preparing a separate zoning text amendment which incorporates this distinction in review process implemented as well as a separate memo to further explain the Commission's recommendations.

Ms. Gilles posed to the Commission whether townhouses and/or rowhouses should be included as permitted uses within the proposed amendment. She further explained that the opinion of staff was that if townhouses are to be permitted for the proposed amendment, that additional design standards be included so that the townhouses replicate an urban rowhouse form to include such elements as stoops or porches and provide for parking via on-street parking or rear alley access. Such requirements would assist to provide the proposed housing in a compatible scale to the surrounding community.

Commissioner Tyner questioned whether the proposed guidelines for townhouses would preclude a developer from adding more elements to a townhouse façade. Ms. Gilles responded that a developer would not be restricted from adding more elements than that prescribed in the text amendment.

As Ms. Gilles noted that a rowhouse is not currently defined, Chair Pitman questioned whether a rowhouse should be distinguished from a townhouse use within the Zoning Ordinance and implemented in the proposed RMD-Infill Zone. Ms. Gilles and Mr. Dumais discussed the various scenarios of modifying the definition of townhouses to effectively create rowhouses specifically for the RMD-Zone versus creating a separate rowhouse use within the Zoning Ordinance that would be defined as a use within the City as a whole but only applied to limited areas. Mr. Dumais further commented that the latter option, while viable, was less common in establishing new uses. He further elaborated that it would be a policy decision as to whether to establish the new use and specifying if it could be applied to other areas of the City beyond those specified in the proposed map amendment. Chair Pitman recommended that the issue of establishing a new

townhouse use versus modifying the definition of a townhouse to create a rowhouse be further analyzed by staff.

Commissioner Tyner commented that with the proposed attached housing specified in the amendment, it may provide the possibility for certain properties to progress which have had struggles developing under the current regulations, thus providing flexibility in the provision of development or redevelopment in the City. Commissioner Miller expressed her support for the provision of the rowhouse scheme of housing within the amendment.

The Commission also considered the issues of reducing building setbacks within the proposed amendment. The Commissioners indicated their support of the reduction of setbacks to allow more compact development. Chair Pitman questioned if the setbacks allowed for any flexibility at the front or rear to facilitate public benefits such as park or additional tree plantings. Mr. Wasilak responded that past cases in the R-60 did allow for flexibility in setbacks as long as a total for both front and rear was achieved. He added that such an option could be explored with the subject text amendment, and Commissioner Goodman supported this flexibility option. Ms. Gilles responded that staff would look more into the issue and follow up in a future meeting. The Commissioners were also supportive of a 5-foot setback for garages to de-emphasize vehicle storage.

The Commissioners indicated their support for the reduction of parking requirements to facilitate the proposed infill development by reducing the number of parking spaces to 1 space per 2 units. Chair Pitman recommended that staff work closely with parking enforcement officials to ensure adequate and safe parking conditions for the area.

B. Recommendation to the Mayor and Council for Sectional Map Amendment MAP2021-00120 to Apply the Zoning Recommended by the Comprehensive Master Plan Amendments for the North Stonestreet Avenue and Park Road and North/South Stonestreet Avenue Areas; Mayor and Council of Rockville, Applicants

The Commission considered this item in conjunction with its continued discussion of item I.A and the overall implementation of the proposed amendments.

Regarding the sectional map amendment, Ms. Gilles explained that the proposed amendment would include an adjustment to the Lincoln Park Neighborhood Conservation District boundary in order to implement the vision and zoning recommendations from the associated Comprehensive Master Plan Amendments. She added that several properties included in the proposed amendment had also been designated within the Lincoln Park Neighborhood Conservation District when it was established, so that if any redevelopment occurred, it would follow the single-family residential neighborhood of the Conservation District. However, given the vision to provide the attached housing prescribed in the amendment, staff has recommended that these properties no longer be included in the Conservation District, and the boundary adjusted. The Commissioners indicated that they were supportive of this boundary change.

Mr. Wasilak explained the public outreach process for the proposed amendments. He indicated that there were several meetings held for affected property owners as well as presentations given to the Lincoln Park and East Rockville Civic Associations. He indicated that responses from the property owners did not yield any concerns about the proposed amendments. Mr. Wasilak explained that refinements to the amendment would be made by staff based on the Commission's comments and brought back to the Commissioners for their review at a later meeting.

II. BRIEFING

A. Briefing on Zoning Text Amendment TXT2021-00260, to Modify the Requirements for Project Plans, Roadway Classification in Mixed Use Zones, Minor and Major Site Plan Amendments, Development Approval Abandonment, the Definition of Demolition, and the Addition of Research and Development Use and Associated Parking Standard; Mayor and Council of Rockville, Applicants

Mr. Wasilak briefed the Commission on the subject amendment, explaining that its origin was from recent development review projects which highlighted opportunities to address certain procedural issues in the development review process. He added that this briefing was focused to introduce the amendment, and the Commissioners would have the opportunity to further comment on the amendment at a later meeting.

Mr. Wasilak explained the various components of the subject amendment. He began with the aspect of providing concurrent reviews of both Annexation Petitions and Project Plans. He mentioned that this component has been provided to ensure that the Mayor and Council are the Approving Authority for both Annexations and the development application filed for the property by requiring site plans to be processed as project plans. He added that such a measure would be welcomed by applicants. Commissioner Pearson questioned if this proposed change was initiated because of problems with past applications. Mr. Wasilak responded that the change was initiated to provide further transparency and legal clarity on the Mayor and Council's ability to decide on the development of a property within the City's jurisdiction. Commissioner Goodman questioned whether if Annexation Petitions should be considered independently of corresponding development plans on a property. Mr. Wasilak responded that while not considering the specific development planned, an Annexation Petition does look at the development potential of a property in the application of what zoning a prospective annexed property would have. He added that the proposed change would also provide clarity for a developer that they could proceed with both an annexation and development proposal concurrently if they so chose.

Commissioner Nunez inquired if the concurrent review would allow for a faster review process overall for a developer. Mr. Wasilak responded that it may allow for a quicker review but would be dependent on the complexity of the development plan. Commissioner Tyner mentioned that if approved by the same authority, an Annexation Plan and a development plan should be spaced apart in order to allow further input and consideration to be given to the development of the property.

Mr. Wasilak continued on the component of removing the street connection requirements for developments in mixed use zones so that instead of a City wide requirement, connections of development will now be reviewed on a case-by-case basis in accordance with the City's transportation standards. He also explained the abandonment of approved development plans in order to provide flexibility for developers to meet market conditions and adjust development to changes in use demand, giving the long-term scope of many approved plans. Commissioner Tyner expressed his support for this change, as he recalled previous cases where developers had to wait for previous approval to expire in order to proceed. Mr. Wasilak mentioned a similar change in the provision of an alternate site plan to accommodate changing conditions. He added this change would allow for approval of an alternate site plan for which an approved project plan already exists.

Mr. Wasilak detailed the proposed change for redevelopment of non-residential development within commercial corridors. He indicated that given the current rigorous site plan review process, the proposed change allows certain non-residentially used properties which are distanced more than 300 feet from certain residential developments to proceed with minor site modifications approved by staff. He added that such minor changes such as minor building expansions would allow landowners to respond in a more timely manner to changing conditions for improvements which are seen to be of minor impact to neighboring residential areas. Commissioner Goodman asked if this proposed amendment was responding to issues in the past with previous developments. Mr. Wasilak pointed to an instance where a development added a connection between buildings which expanded the development's floor area, which then triggered a major site plan amendment and approval by the Planning Commission for a relatively minor addition to the overall floor area. He added that this change would allow for a more streamlined review and approval process for minor changes.

The next item discussed by Mr. Wasilak was a proposed change to minor site plan amendments in general. He explained that the proposal was to allow for certain common site changes to be approved through the permitting process and not require a site plan amendment in order to allow for timely improvements to businesses while also providing review for compliance with City requirements. Mr. Wasilak also discussed the addition of a Research and Development Use and associated parking within the Zoning Ordinance. He explained that demand for such a use comes from the residual impact of life-science facilities within Montgomery County and its close proximity to the City, and the addition of the use to the City would show that the City is accepting of such uses. He continued that it would also provide clarity in the requirements of such use rather than interpreting various uses within a life-science establishment, as is currently implemented in review of such projects. He indicated that the Research and Development use would provide an "umbrella" use for various components of a life-science facility including laboratory, office, and manufacturing, among others. The parking for this use was also indicated to be lower than other office intensive uses at 1.5 spaces per 1,000 square feet of use, but was explained to be more reflective of current conditions and mirrors parking by Montgomery County for this similar research and development use. Commissioner Nunez questioned if parking could be further reduced if this use was proposed in close proximity to a metro station, for which Mr. Wasilak responded that the City's flexible parking standards could lower the amount of parking if located close to major transit stations.

The final proposed change explained by Mr. Wasilak was a proposal to modify the definition of Demolition within the City's Zoning Ordinance in order for a demolition to mean the complete razing or removal of more than 50 percent of floor area from a structure. He added that modifying this definition would close a loophole for those attempting, in effect, to remove structures without proceeding through the Historic District Commission (HDC) for an evaluation of significance to determine if the structure should be designated as historic. He mentioned because of the current language of the definition, many structures were being partially or nearly completely removed and bypassing HDC review because the current definition of Demolition requires "complete" removal of a structure. The Commissioners indicated their support for this change. Mr. Wasilak indicated that it was intended that this text amendment would be scheduled for public hearing some time in June and public comment would be requested through neighborhood civic associations to gather feedback.

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's next meeting agenda for May 26 for final consideration. He added that proposed text amendment on revisions to development review procedures, briefed to the Commission at this meeting, would also be further discussed at the May 26 meeting. Mr. Wasilak indicated that an additional text amendment may be introduced to the Commission at the next meeting regarding the City's Forest Conservation Manual to amend when a Natural Resources Inventory (NRI) may be required. He indicated that a potential site plan for a Chase Bank in Town Center may be coming before the Commission on June 11.
- B. Old Business** – Chair Pitman asked if the Commission should further consider establishing a vice-chair in the event that the Chair cannot serve. Mr. Wasilak indicated that a designee should be established as a "backup" in the Chair's absence. Mr. Dumais further indicated that it would be the Chair's authority to designate such a role. Chair Pitman recommended that based on the Commission past customs, that the immediate past Chair should be the substitute if the Chair cannot serve. Mr. Dumais indicated that such recommendation was acceptable.

Mr. Wasilak indicated that the second Rockville Metro Station study session would be held May 15.

Joint Work Sessions 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** – No new business was presented.

D. Minutes Approval

There were no minutes approved by the Commission at this meeting.

E. FYI/Correspondence – No correspondence was indicated for this meeting.

IV. ADJOURN

There being no further business to come before the Planning Commission, Commissioner Tyner moved, seconded by Commissioner Nunez, that the meeting be adjourned at 9:21 p.m. The motion was approved unanimously.

Respectfully Submitted,



Commission Liaison