

Submitted September 6, 2023  
Approved September 13, 2023

**MINUTES OF THE ROCKVILLE PLANNING COMMISSION  
MEETING NO. 10-2023  
Wednesday, June 28, 2023**

The City of Rockville Planning Commission convened in regular session at City Hall and virtually via WebEx at 7:00 p.m.  
Wednesday, June 28, 2023

**PRESENT**

Eric Fulton - Chair

Suzan Pitman                      Sam Pearson  
Jaime Espinosa                  John Tyner II

**Absent:** Shayan Salahuddin

**Present:** Nicholas Dumais, Senior Assistant City Attorney  
Jim Wasilak, Chief of Zoning  
John Foreman, Development Manager (virtually via WebEx)  
Shaun Ryan, Development Review Supervisor (virtually via WebEx)  
Chris Dempwolf, Building Plans Examiner Supervisor  
Chris Davis, Senior Planner  
Bryan Barnett-Woods, Principal Transportation Planner

Chair Fulton opened the meeting at 7:00 p.m., noting the absence of Commissioner Salahuddin and the virtual attendance of Commissioner Espinosa.

**I. REVIEW AND ACTION**

**A. Level 2 Site Plan Application STP2023-00454 and Waiver Applications WAV2023-00005, WAV2023-00006 and WAV2023-00007, to Permit Construction of a Seven-Story Life Science Building and Six-Story Parking Garage with Waivers from the Height Encroachment Requirements for Rooftop Equipment and Required Sidewalk Widths at 2 Research Place; 2 Research Place LLC, Applicant**

Mr. Davis presented the application, noting that the subject site plan application was for the purpose of redeveloping the site at 2 Research Place by demolishing the existing 45,000 square foot office building in order to construct a seven-story life science building and associated six-story parking garage. He explained that the site plan was reviewed in accordance with the required city procedures including the conducting of both a pre and post-application area meeting to receive public commentary. Mr. Davis detailed how the proposed project complies with required findings for approval of a Level 2 Site Plan application, explaining that the project would not adversely affect the health of persons residing or working in the neighborhood or be

detrimental to the public welfare, overburden existing public facilities or adversely affect natural resources of the City. Mr. Davis also explained that the project would not be in conflict with the Comprehensive Plan, nor violate any section of the Zoning Ordinance or be incompatible with the surrounding commercial uses.

Mr. Davis also presented three waiver requests to the Commission dealing with area requirements and setbacks for proposed rooftop equipment as well as a waiver from the required sidewalk width along an the internal entrance driveway of the site. He noted that as a correction to the information provided in the staff report, the waiver for the sidewalk width was to allow an internal sidewalk width in portions of both four (4) feet and five (5) feet along the entry driveway in lieu of the required six (6) feet. Mr. Davis concluded the presentation by stating that Level 2 Site Plan application and associated waiver requests did meet the necessary findings and further recommended that such applications be approved subject to the conditions in the staff report.

Commissioner Pitman inquired about if any of the recommendations from the Traffic and Transportation Commission were implemented into the applicants proposal. Mr. Davis responded that the applicant did intend to address such recommendations including addressing accessibility concerns for the proposed electric vehicle charging stations inside the proposed parking garage. He indicated that with regard to the sidewalk passing lanes, the applicant was limited in area along the entrance driveway to provide passing lanes, as recommended by the Traffic and Transportation Commission.

Commissioner Fulton inquired about the length of the proposed substandard width sections of sidewalks requested with the waiver. Mr. Davis responded that the proposed four (4) foot width sections would be approximately 160 feet and the proposed five (5) foot width section would be approximately 65 feet. Commissioner Fulton further inquired if the internal sidewalks would be in compliance with the requirements of the Americans with Disabilities Act (ADA). Mr. Davis responded that he believed that the project would not be fully in compliance with the ADA as the typical standard would be six (6)-foot-wide sidewalks, but added that such widths could be reduced under certain circumstances. Mr. Dempwolf further explained that generally sidewalk widths can be reduced up to a 200-foot length as long as passing spaces can be provided, and he added that he believed there would be a way for this project to be brought into compliance with the ADA.

Mr. Jim Soltesz, applicant and property owner, provided testimony to the Commission. He noted that his civil engineering firm, Soltesz Company, purchased the subject property and have been occupants of the existing office building since 2006. He noted that at such time, the building was fully occupied with tenants and remained largely occupied up until 2020, when the building began to experience more vacancies and the market rents began to decrease. Due to such challenges, his company proposed to redevelop the property into a life science use to increase usability of the property and meet demand for growing life science space in the city. He expressed that while he had not currently secured a tenant for the new building, he was hopeful to do so in the near future. In regards to the proposed internal sidewalk, and waiver for the sidewalk width, Mr. Soltesz explained that the limited width of the property area in such location, in

combination with needing to meet other life safety requirements such as adequate fire access for the driveway and sufficient area for utilities, a reduce sidewalk was needed.

Commissioner Tyner commented that he appreciated the applicants comments in regards to the changing market conditions and the need to introduce new uses which are in demand. He additionally commented on the proposed removal of the mature trees along the entrance driveway of the site but added that such removals have been seen on the other project property's in the city.

Chair Fulton inquired about the excess parking proposed for the garage and why additional spaces beyond the requirement were proposed. Mr. Soltesz responded that the project would provide 400 parking spaces rather than the 300 required based on conversations with other developers on life science projects who recommended parking at 2 spaces per 1,000 square feet of building area for such use. Chair Fulton commented on the challenges the site has in accommodating the sidewalk and tree plantings along the pipestem driveway and additionally inquired if the applicant considered various iterations of the forest conservation plan to look for alternatives to resolve these challenges. Mr. Soltesz responded that part of the challenges with the existing trees were the limits of the root zones and the fact that several trees straddled property lines with abutting properties. In working together with neighboring owners, Mr. Soltesz indicated that the proposed plans were acceptable to both staff and the neighboring property owners to complete the proposed improvements.

Upon Chair Fulton welcoming public commentary on this application, Kathleen Kleinmann provided testimony, noting that she was providing comments as a member of the public, and not in her official capacity as chair of Transportation and Mobility Commission. Ms. Klienmann noted her disappointment in the planning department not providing a clear statement that the project is in full compliance with the ADA. She further expressed that the city should not grant waivers to compliance with the ADA as there is no justification for such and further indicated that if there were any issues with this project meeting ADA compliance, such issues should be resolved. She further advocated for the city to clearly state that this development project complies with the civil rights of people with disabilities.

Commissioner Tyner further inquired about the proposed waivers for rooftop equipment and inquired if staff had evaluated whether the request was suitable for the use proposed by the applicant. Mr. Davis responded that the life science use, as seen on other projects in the city, can require additional rooftop equipment to service lab space, and added the proposed arrangement of the rooftop equipment for this project appeared to be suitable given the size of the proposed building and the spacing needed on the rooftop to safely maintain such equipment.

Chair Fulton further commented that the site is a positive location for the proposed use but the constraints of the pipestem driveway create clear obstacles for providing good access to the site. He further noted that he wanted to see this project move forward but not at the cost of compliance with the ADA. He inquired if the applicant would have street signs placed within the proposed sidewalk and Mr. Soltesz confirmed that no signs would be erected within the sidewalk.

Commissioner Tyner made a motion to approve Level 2 site plan application STP2023-00454, to permit construction of a seven-story life science building and six-story parking garage at 2 Research Place, subject to the findings and conditions contained in the staff report. Commissioner Pitman seconded the motion. The motion passed unanimously 5-0.

Commissioner Tyner also made a motion to approve Waiver application WAV2023-00005, to waive the area requirement for rooftop equipment at 2 Research Place subject to the findings and conditions contained in the staff report.. Commissioner Pearson seconded the motion. The motion passed unanimously 5-0.

Commissioner Tyner further made a motion to approve Waiver application WAV2023-00006 to waive the setback requirement for rooftop equipment at 2 Research Place, subject to the findings and conditions contained in the staff report. Commissioner Pearson seconded the motion. The motion passed unanimously 5-0.

Commissioner Pitman concluded with the motion to Waiver application WAV2023-00007 to waive the sidewalk width requirements at 2 Research Place subject to the findings and conditions contained in the staff report, with the additional condition that the sidewalk meet ADA requirements. Commissioner Pearson seconded the motion. The motion passed unanimously 5-0.

## **II. BRIEFING**

### **A. Presentation on Draft Pedestrian Master Plan**

Mr. Wasilak introduced this agenda item, noting that the Pedestrian Master Plan will be incorporated into the Comprehensive Master Plan for the city and as such, the Pedestrian Master Plan will follow the designated process for amendments to the Comprehensive Plan. He further noted that the Pedestrian Master Plan would be distributed to state agencies for their review and will also be available for public review and comment for 60 days prior to a public hearing, tentatively scheduled before the Planning Commission on September 13.

Mr. Barnett-Woods presented the draft Pedestrian Master Plan to the Commission noting the history, vision, goals, action items and scheduling as the plan develops. He explained how the Pedestrian Master Plan was developed, noting the substantial input from interested groups and members of the public including the Rockville Pedestrian Advocacy Committee, Rockville Bicycle Advisory Committee and the Transportation and Mobility Commission with the vision of making Rockville the most walkable city in Maryland. He further clarified the vision was intended to include various methods and modes of pedestrian mobility from walking, jogging, use of a walker, and use of wheelchairs, among others. Throughout his presentation, Mr. Barnett-Woods emphasized the importance of equity in ensuring that all residents of various abilities can access pedestrian facilities in an equitable way. He outlined 35 action items across 10 categories in order to effectively lay out future work on the plan. He concluded by welcoming discussion from the Commission on the items presented.

Upon welcoming of public comments by Chair Fulton, Ms. Kleinmann provided testimony that the Transportation and Mobility Commission had provided input into the draft Pedestrian Master Plan draft document and many of their recommendations were included in the draft. She added that she thought the draft plan was off to a good start and expressed that in working together with the Planning Commission, staff and members of the public, the final document should be a stellar plan for the city.

Commissioner Pitman expressed support for the draft Pedestrian Master Plan, emphasizing its importance as the city has granted parking waivers in the past and looks to revise its parking standards along with other city ordinances and codes. She also commented on her desire to see art crosswalks implemented in the city's plans. Mr. Barnett-Woods responded that the city recently applied for a Bloomberg philanthropies asphalt art project which the city can hopes to receive feedback on in the fall. Commissioner Pitman also expressed a desire to improve the safety and interest of the pedestrian walkway at the Rockville Metro station if and when the station redevelops.

Commissioner Pearson expressed positive sentiments towards the draft Pedestrian Master Plan. He suggested to staff to take into consideration the issue of terrain for those who may have limitations in mobility and providing a focus on flat surfaces to improve the traversing of areas around the city. Chair Fulton expressed agreement with Commissioner Pearson's comments.

Commissioner Tyner complemented staff on developing a city-wide Pedestrian Master Plan, noting the city has previously focused on pedestrian improvements at the neighborhood level. He added that he anticipated to hear more feedback on the maintenance of pedestrian facilities, connecting areas where there are missing sidewalks and coordination and synchronization of the Pedestrian Master Plan with other city documents. Commissioner Espinosa indicated that he also looked forward to public comments on the draft plan.

Chair Fulton further expressed his appreciation for the development of the draft plan, noting its comprehensiveness and added that he fully supported the staff's efforts to incorporate the Pedestrian Master Plan into the city's Comprehensive Plan. Chair Fulton further expressed that in consideration of the draft plan, it will be important to keep in mind that people are pedestrians no matter what the actual mode of transportation is and the draft plan will help to encourage pedestrian movements in a safe and equitable manner. Upon questioning from Chair Fulton, Mr. Wasilak confirmed that Mr. Barnett-Woods would be a part of the staff team working on the Zoning Ordinance Rewrite. Mr. Barnett-Woods also confirmed that the public could provide feedback on the draft plan through the city's Engage Rockville website or by contacting him directly. He also confirmed that the Rockville Pedestrian Advocacy Committee virtually meets the second Thursday of every month.

### III. COMMISSION ITEMS

- A. **Staff Liaison Report** – Mr. Wasilak noted that the next Planning Commission meeting would be on July 12<sup>th</sup> where anticipated items for review would be the Commission's 2022 Annual Report, and also the zoning text amendment for parkland dedication so that the Commission may

provide a recommendation to the Mayor and Council. He added that he did not anticipate substantive changes parkland dedication text amendment.

- B. Old Business** – Mr. Wasilak indicated that a memo containing the Commission’s draft recommendation on the zoning text amendment to allow ADUs as a conditional use had been prepared for the Commission’s review. He added that it contained additional language to deal with an issue which the Commission did not previously consider regarding where there is an existing accessory building proposed to be utilized for an ADU and that such building would not need to be brought into compliance with current standards.

After discussion of the memo amongst the Commission, Commissioner Pitman moved to approve the memo for transmission to the Mayor and Council. Commissioner Tyner seconded the motion. The motion passed unanimously 5-0.

- C. New Business** – None.

- D. Minutes Approval**– Chair Fulton noted that he was absent from the April 12, 2023 meeting and indicated he would abstain from voting on the minutes. Commissioner Tyner made the motion to approve the April 12, 2023 minutes with the stipulation that spelling and punctuation errors will be corrected. The motion was seconded by Commissioner Pearson. The motion carried 3-0 with Chair Fulton and Commissioner Espinosa abstaining.

- E. FYI/Correspondence** –None.

#### IV. ADJOURN

There being no further business to come before the Planning Commission, Commissioner Pitman moved, seconded by Commissioner Pearson, that the meeting be adjourned at 8:50 p.m. The motion was approved unanimously.

Respectfully Submitted,



Commission Liaison