



PLANNING COMMISSION

Wednesday, September 9, 2020

7:00 PM

Meeting No. 16-2020

AGENDA

Charles Littlefield, Chair

Anne Goodman
Sarah Miller
John Tyner, II

Don Hadley
Suzan Pitman
Rev. Jane E. Wood

Jim Wasilak, Staff Liaison
Nicholas Dumais, Assistant City Attorney

**Virtual Meeting via WebEx –
See page 4 for information**

- 1. Public Hearing**
 - A. Public Hearing on Volume II: Planning Areas, of the Planning Commission's Draft Rockville 2040 Comprehensive Plan Update**

 - 2. Commission Items**
 - A. Staff Liaison Report**

 - B. Old Business**

 - C. New Business**
 - Boards & Commissions Task Force Recommendations**

 - D. Minutes Approval**
-

July 22, 2020

E. FYI/Correspondence

3. Adjourn

HELPFUL INFORMATION FOR STAKEHOLDERS AND APPLICANTS

I. GENERAL ORDER OF SESSION FOR DEVELOPMENT APPLICATIONS

1. Staff presentation
2. City Board or Commission comment
3. Applicant presentation (10 min.)
4. Public comment (3 min, or 5 min for the representative of an association)
5. Planning Commission Discussion and Deliberation
6. Decision or recommendation by vote

The Commission may ask questions of any party at any time during the proceedings.

II. PLANNING COMMISSION BROADCAST

- Watch LIVE on Comcast Cable Rockville Channel 11 and online at: www.rockvillemd.gov
- Replay on Comcast Cable Channel 11:
 - Wednesdays at 7:00 pm (if no live meeting)
 - Sundays at 7:00 pm
 - Mondays, Thursdays and Saturdays at 1:00 pm
 - Saturdays and Sundays at 12:00 am (midnight)
- Video on Demand (within 48 hours of meeting) at: www.rockvillemd.gov/VideoOnDemand.

III. NEW DEVELOPMENT APPLICATIONS

- For a complete list of all applications on file, visit: www.rockvillemd.gov/DevelopmentWatch.

VI. ADDITIONAL INFORMATION RESOURCES

- Additional resources are available to anyone who would like more information about the planning and development review process on the City's web site at: www.rockvillemd.gov/cpds.
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Participating in the Virtual Public Hearing

If you wish to participate in the virtual public hearing by providing your testimony directly to the Planning Commission, pre-registration is strongly encouraged.

To pre-register for each virtual public hearing, email the following information to Clark Larson at clarson@rockvillemd.gov, no later than 9:00 a.m. on the day before each hearing date:

- Name
- Address
- Preferred Email and/or Phone Number for contact purposes
- The Hearing Date you plan to attend, and
- Your expected method of joining the meeting (web browser, WebEx app, or phone call)

Those who have pre-registered will receive a confirmation email on the day before their chosen hearing date with details on how to participate, tips on video-conferencing, as well as two WebEx invitations: 1) An optional WebEx Orientation / Question & Answer Session, and 2) an invitation to the virtual Planning Commission Hearing.

Note: If you do not pre-register for the virtual public hearing by the deadline above, you will need to email the Planning Commission liaison, Jim Wasilak, at jwasilak@rockvillemd.gov to request an invitation to the WebEx video conference. Every attempt will be made to accommodate the request after the pre-registration deadline, however, this does not ensure that any technical difficulties can be addressed prior to the public hearing or that you will receive a WebEx invitation in a timely manner, especially while the public hearing is underway.

Maryland law and the Planning Commission's Rules of Procedure regarding ex parte (extra-record) communications require all discussion, review, and consideration of the Commission's business take place only during the Commission's consideration of the item at a scheduled meeting. Telephone calls and meetings with Commission members in advance of the meeting are not permitted. Written communications will be directed to appropriate staff members for response and included in briefing materials for all members of the Commission.



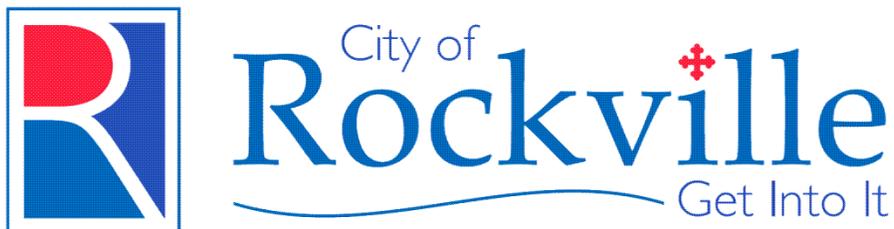
Agenda Item #:	A
Meeting Date:	September 9, 2020
Responsible Staff:	Clark Larson

SUBJECT:

Public Hearing on Volume II: Planning Areas, of the Planning Commission's Draft Rockville 2040 Comprehensive Plan Update

RECOMMENDATION
(Include change in law or Policy if appropriate in this section):

Hold a virtual public hearing and receive testimony on Volume II: Planning Areas, of the Planning Commission's Draft Rockville 2040 Comprehensive Plan update.
Set October 7, 2020 at the close of business as the end date for when written public testimony may be submitted to the Planning Commission, thereby closing the public record.



Planning Commission Staff Report

MEETING DATE: September 9, 2020

REPORT DATE: September 2, 2020

RESPONSIBLE STAFF: Clark Larson, AICP, Principal Planner
Planning and Development Services
Comprehensive Planning Division
240.314.8225 clarson@rockvillemd.gov

SUBJECT: Virtual Public Hearing on Volume II: Planning Areas, of the Planning Commission's Draft Rockville 2040 Comprehensive Plan Update

BACKGROUND:

At its meeting on February 12, 2020, the Planning Commission approved the release of the second volume to its draft Rockville 2040 Comprehensive Plan update, covering each of the proposed seventeen neighborhood-scale planning areas, and opened the public record to accept testimony on the draft Plan. The draft document is entitled Comprehensive Plan,

Volume II: Planning Areas Public Hearing Draft and may be found online at <http://www.rockvillemd.gov/Rockville2040>.

The Planning Commission has set the public hearing dates for September 9 and 23, 2020. These dates reflect the Planning Commission's decision, on April 8, 2020, to reschedule the public hearing from the original May dates because of the closure of City Hall due to the COVID-19 public health emergency. Though City Hall remains closed, the additional time has permitted staff and the Planning Commission to establish a reliable approach for participation through a virtual public hearing format.

The public hearing will be held virtually by videoconference through the Cisco WebEx platform. Written testimony has been accepted since February 2020 and will continue to be accepted until the Planning Commission closes the public record. A link to the Planning Areas draft, as well as instructions for registering and participating in the virtual public hearing, can be found on the Rockville 2040 project web site, at <http://www.rockvillemd.gov/Rockville2040>.

The Planning Commission's approval to release the Planning Areas draft for public review and comment followed its consideration of an Initial Staff Draft of the Planning Areas volume, which took place over five meetings held on December 11, 2019 and, in 2020, January 8, January 15, January 22 and February 12. During those meetings, the Planning Commission instructed staff to make certain revisions to the document prior to its release for public comment. Those revisions are reflected in the current draft for the public hearing. Planning Commission members were clear during the review sessions that they may wish to make additional changes after the public hearing, given that public testimony is a critical component of their recommendations to the Mayor and Council.

Following the Planning Commission's release of the Planning Areas public hearing draft in February 2020, staff forwarded the draft Plan to the Maryland Department of Planning's Clearinghouse and Plan Review section. Under the state Land Use Article, any draft Comprehensive Plan update must be forwarded to the state at least 60 days before the public hearing. The Maryland Department of Planning has acknowledged by email both its receipt of the plan and that the City has met the 60-day requirement.

Also consistent with state law, staff forwarded a link to view the Planning Areas draft online to surrounding jurisdictions and other governmental agencies, including the Montgomery County Executive branch, Montgomery County Council, Montgomery County Planning, Montgomery County Public Schools, the City of Gaithersburg, and the Washington Metropolitan Area Transit Authority. This notification included a letter announcing the release of the draft Plan, the time and dates of the public hearing, and the methods by which written testimony may be submitted (described below). A subsequent letter to all parties listed above was sent on April 9 with the updated September public hearing dates.

Additional notifications were sent through the city's Rockville Reports newsletter, Rockville Channel 11, social media, and city-maintained email distribution lists to provide information on

the Draft Plan content, public hearing dates, methods to provide testimony, and to keep the public updated on the process. A personalized email message was also sent to civic associations prior to the September 2020 public hearing with the information listed above, as well as a reference to the specific Planning Area in which each association resides. Notification has also been sent to business organizations and the management of multifamily buildings, with the request that the information be disseminated to the residents.

DISCUSSION:

Providing Public Testimony on the Draft Plan

Receiving testimony on a draft Plan is a key component of the Rockville 2040 Comprehensive Plan update process. It is both required by State law and welcomed by the Planning Commission and city staff. The draft has been developed through significant and intensive public outreach and the public testimony process will allow the Planning Commission to test whether it adequately reflects the community's visions and goals for the future, as well as the policies and actions that are designed to achieve them.

As indicated above, the Planning Commission opened the public record for the Volume II: Planning Areas Draft on February 12, 2020 and public testimony may be provided in the following ways:

1. Oral testimony given at the virtual public hearing. The Planning Commission will hold a public hearing over the course of two dates, September 9 and September 23, 2020, starting at 7:00 pm through the Cisco Webex platform. Pre-registration details for the virtual public hearing are available online at <http://www.rockvillemd.gov/Rockville2040>.
2. Email written testimony to planning.commission@rockvillemd.gov. Testimony should include the name and address of the sender and identify that the testimony is regarding the Comprehensive Plan, Volume II: Planning Areas Draft for Planning Commission Public Hearing.
3. Submit written testimony through an online comment form, which can be found online at <https://www.rockvillemd.gov/Rockville2040>.
4. Mail written testimony to the Rockville Planning Commission, c/o Larissa Klevan, 111 Maryland Ave., Rockville, MD 20850. Testimony should include the name and address of the sender and identify that the testimony is regarding the Comprehensive Plan, Volume II: Planning Areas Draft for Planning Commission Public Hearing.

All oral and written public testimony will be made available for review by the Planning Commission and the public, for the Planning Commission's work sessions.

Ground Rules for the Planning Commission Public Hearing

At its August 5, 2020 meeting, the Planning Commission approved a set of “Ground Rules for Planning Commission Public Hearings” (Attachment A), which will apply to those providing oral testimony on the draft Plan. The Planning Commission’s Rules of Procedure (Section V.M.) establishes that “The Commission may adopt such rules as are reasonably necessary for the orderly conduct of the hearing.” The attached ground rules are based on those that the Commission adopted for the city-wide elements of the draft Rockville 2040 Comprehensive Plan but amended to take into account the fact that the public hearing will be virtual. Adhering to the adopted ground rules will help to provide a fair and consistently managed public hearing process and make clear the roles and responsibilities of the Planning Commission and public hearing attendees.

Summary of Planning Areas Draft Contents

The Comprehensive Plan, Volume II: Planning Areas Draft for Planning Commission Public Hearing constitutes the second major portion of the proposed update to the existing Comprehensive Master Plan, which was adopted by the Mayor and Council of Rockville on November 12, 2002 and can be found online at <https://www.rockvillemd.gov/200/Master-Plan>. The 2002 Comprehensive Master Plan covers the city’s planning areas in its Chapters 11 and 12.

The Rockville 2040 Planning Areas draft consists of policies and recommendations for each of the city’s proposed seventeen neighborhood-scale planning areas. It is written as a complement to the broader city-wide policy document comprising the plan’s ten city-wide topical Elements — which the Planning Commission reviewed in 2019 — by focusing on issues and opportunities unique to each planning area.

There are currently eighteen planning areas in the existing (2002) Comprehensive Master Plan. This draft’s proposed seventeen planning areas reflects amended boundaries of some of the areas, as well as two new areas (Montgomery College area and Woodmont area). A brief discussion of the proposed changes, along with a map of the proposed planning areas, is on pages 4 and 5 of the draft Plan. This new approach was discussed and approved by the Planning Commission in advance of staff’s drafting the Volume II document.

Each planning area includes a summary of its distinctive characteristics; a history of previously approved plans, studies, and major developments; and key issues facing the planning area. Most planning areas include focus area recommendations, which are properties with recommended zoning changes and/or urban design recommendations; public projects or studies recommended to be undertaken over the life of the Plan; and other recommendations particular to each planning area.

The exception to this organizational structure is the inclusion of a more comprehensive neighborhood plan update. Planning Area 4 is the West End-Woodley Gardens East/West Neighborhood Plan, which was originally adopted in 1989 and was among the oldest plans still in effect. For this reason, as well as the community’s desire for an updated plan, the planning area’s unique historic character and its adjacency to Town Center with its associated development pressures, it was determined that a neighborhood plan should be produced

simultaneously and in conjunction with the city-wide Comprehensive Plan. The updated West End-Woodley Gardens East/West Neighborhood Plan, a product of active community-staff collaboration for more than a year, is incorporated into this volume as Planning Area 4. It is intended to supersede the 1989 plan as well as previous policies for the planning area in the 2002 Comprehensive Master Plan.

STAFF RECOMMENDATIONS:

Staff recommends that the Planning Commission conduct a public hearing and receive testimony on the Rockville 2040 Comprehensive Plan, Volume II: Planning Areas Draft, with dates scheduled for September 9 and 23, 2020.

Staff also recommends that the Planning Commission announce a date for the close of the public record at their first public hearing date on September 9 in order to provide the Rockville community advance notice on the remaining time to submit written testimony. Staff's suggested date to close the public record is Wednesday, October 7, 2020, at the close of business (5:00 p.m.), which would be two weeks following the last public hearing date for the Planning Areas draft Plan.

PUBLIC OUTREACH:

After the draft Planning Areas volume release in March 2020, staff initiated a public information program to inform the Rockville community about the contents of the Planning Areas draft and its availability for review and comment. The draft has been sent to the State Clearinghouse within the Maryland Department of Planning, relevant public agencies, and adjoining jurisdictions. Staff has held Informational Meetings, prior to the public hearings, to assist the public in understanding both the draft Plan and the methods by which written and oral testimony may be provided.

In addition, staff worked with the city's Public Information and Community Engagement office to provide information through Rockville Reports, Rockville 11, social media, and city-maintained email distribution lists to provide information on the draft Plan content, public hearing dates, methods to provide testimony, and to keep the public updated on the process.

At a broader level, the Planning Areas draft is the result of extensive community input that was gathered over a multi-year period, and continues to the present, in a process known as "Rockville 2040." That process is summarized in the Introduction chapter of the Public Hearing Draft for Volume I: Elements, but includes a kick-off meeting, 35 Listening Sessions, 4 City-wide Forums, 3 Open Houses, 4 Information Sessions, and many meetings with community members, community organizations, and other stakeholders as warranted. Staff has been available to talk and meet with any member of the broader Rockville community, including but not limited to residents, business owners, employees, representatives of non-profit organizations, and representative of governmental and quasi-governmental agencies.

BOARDS AND COMMISSIONS:

City boards and commissions participated in many of the community meetings held during the Rockville 2040 process; and city staff have attended various meetings of boards, commissions and other organizations (e.g. Rockville Economic Development, Inc., Rockville Housing Enterprises, etc.) to obtain input for the Planning Areas draft. Staff will continue to meet with and provide briefings, as requested. In addition, the Planning Commission may choose to include members of certain boards and commissions in post-hearing work sessions, on specific topic areas.

NEXT STEPS:

The Planning Commission will:

- Continue the public hearing process on September 23, 2020;
- Close the public record at a time of its choosing;
- Hold work sessions to address testimony after the public hearings are concluded;
- Make final decisions regarding the contents of the draft plan (both Volumes I and II) that it wishes to recommend to the Mayor and Council; and
- Approve and recommend to the Mayor and Council a Planning Commission Recommended Comprehensive Plan.

Attachments

Attachment 1.A.a: Ground Rules for Rockville 2040 Volume II PC Public Hearing (PDF)

Jim Wasilak

Jim Wasilak, Zoning and Development Manager

9/2/2020



Ground Rules for the Planning Commission Virtual Public Hearing

on the

Planning Commission's Draft of the Comprehensive Plan, Volume II: Planning Areas

Out of fairness to all, and in order to give everyone an opportunity to provide testimony, these rules are established for the public hearing on Volume II of the Planning Commission's Public Hearing Draft of the Comprehensive Plan, which, due to the COVID-19 public health emergency restrictions on social gatherings, will take place virtually by videoconference through the Cisco Webex platform. These rules are in addition to the standard Planning Commission Rules of Procedure, available online at www.rockvillemd.gov/112/Planning-Commission, under the Resources heading.

The virtual public hearing will be held on the following two dates, starting at 7:00 p.m. or soon thereafter. Visit the City of Rockville [Agenda Center](#) to view meeting agendas, posted one week prior to each meeting date.

- Wednesday, September 9, 2020
- Wednesday, September 23, 2020

Participating in the Virtual Public Hearing

If you wish to participate in the virtual public hearing by providing your testimony directly to the Planning Commission, **pre-registration is strongly encouraged.**

To pre-register for each virtual public hearing, email the following information to Clark Larson at clarson@rockvillemd.gov, no later than 9:00 a.m. on the day before each hearing date:

- Name
- Address
- Preferred Email and/or Phone Number for contact purposes
- The Hearing Date you plan to attend, and
- Your expected method of joining the meeting (web browser, Webex app, or phone call)

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Planning Commission Public Hearing Ground Rules

that any technical difficulties can be addressed prior to the public hearing or that you will receive a Webex invitation in a timely manner, especially while the public hearing is underway.

Public Hearing Ground Rules

- For everyone to have a chance to participate, every person or organization is limited to **ONE speaking opportunity**, even if the public hearing extends to other evenings. However, you may supplement your oral testimony by sending the Planning Commission written comments at any time while the public record is open.
- During the hearing, the Chair will sequentially recognize each person on the testimony list in the order in which they signed up to speak. When called upon, you will be unmuted and asked to begin your oral testimony for the designated amount of time (see below for time limits). If you are participating via computer or mobile device, it is your choice whether to turn on your video camera or provide audio-only testimony.
- If your name is called and you are not online or on the phone, the next speaker will be called. After all speakers have been called, missed speakers will be called on before the close of the public hearing for that night. If you were not able to speak due to technical difficulties, the City's IT staff will work with you while the next person is speaking to resolve the difficulties. If the difficulties cannot be resolved, you may need to provide your testimony in writing via email, though you may try again at the end of the meeting, or at the next meeting.
- You are afforded **THREE minutes** to speak if you are a private individual or a representative of a private business. You may not cede your time to someone else, nor may someone else cede their time to you.
- You are afforded **FIVE minutes** to speak if you are a representative speaking on behalf of an organization, including but not limited to a: civic association, homeowners association, chamber of commerce, board, commission, PTSA, or governmental entity. During that time more than one representative of your organization may speak, but the total time will not be allowed to exceed FIVE minutes. Speaking as a representative of an organization does not preclude you from subsequently speaking as a private individual, though you must speak as a private individual at a separate time.
- When speaking at the public hearing, please speak clearly and to the point. Off-topic, personally attacking, profane, inflammatory, or slanderous testimony will be interrupted by the Chair and ruled out-of-order. If you wish to voice support or agreement with a previous comment, for the sake of time, please state your concurrence without reiterating the previous statement in its entirety.
- Extensions of speaker time will not be given (i.e. visual and audio warning will be provided with 30 seconds remaining; speaker's microphone will be muted at exactly 3:00 minutes and host will proceed to connect with the next speaker on the list).

The Chair of the Planning Commission maintains discretion to make limited exceptions to these rules in order to maintain fairness and to address unexpected circumstances.

Viewing the Virtual Meeting (if not participating)

If you are not participating in the public hearing or would like to view it at a later date, it can be viewed live on Comcast, Verizon, and RCN channel 11 and on the Municipal Broadcast Network (MBN), channel 997 on Comcast. To stream the hearing live online, select Live Video Streaming on the city's Rockville 11 webpage at www.rockvillemd.gov/rockville11. To watch a recording of the hearing at a later date, visit www.rockvillemd.gov/videoondemand and select the Planning Commission videos for September 9 and 23.

About Written Testimony

Written testimony may be submitted to the Planning Commission in lieu of, and in addition to, speaking online during the virtual public hearings. However, due to the challenges of hosting virtual public hearings, and the expected higher-than-normal volume of written testimony, the Planning Commission encourages brief and to-the-point written testimony, ideally on specific aspects of the draft Plan. Nevertheless, written testimony of any length will be accepted into the public record and made available to the Planning Commission, and you may submit written testimony on as many different topics as you feel is necessary, either in one submission or in multiple submissions by topic, until the Planning Commission has decided to close the public record (to be determined by the Planning Commission, generally one-to-two weeks after the last public hearing date). Your additional written testimony may cover any other topics you feel are applicable to the Draft Plan, as well as expand upon your oral comments, or oral comments made by others.

Written testimony may be provided in the following ways:

- By email to planning.commission@rockvillemd.gov. *Please indicate that you are submitting testimony on the Draft Comprehensive Plan in the subject line.*
- By online comment form at www.rockvillemd.gov/Rockville2040
- By mail to: City of Rockville Planning Commission, c/o Larissa Klevan, 111 Maryland Avenue, Rockville, Maryland 20850

For questions, contact Clark Larson at clarson@rockvillemd.gov or (240) 314-8225.

To view the draft Comprehensive Plan, project background, and other details, visit the [Rockville 2040 project webpage](#).