

Submitted April 11, 2023

Approved April 12, 2023

**MINUTES OF THE ROCKVILLE PLANNING COMMISSION  
MEETING NO. 4-2023  
Wednesday, March 8, 2023**

The City of Rockville Planning Commission convened in regular session at City Hall and virtually via WebEx at 7:00 p.m.  
Wednesday, March 8, 2023

**PRESENT**

Andrea Nuñez - Chair

Suzan Pitman

Eric Fulton

John Tyner, II

Sam Pearson

**Present:** Nicholas Dumais, Senior Assistant City Attorney  
Jim Wasilak, Zoning Administrator  
Shaun Ryan, Development Review Supervisor  
Nelson Ortiz, Principal Planner  
Chris Davis, Senior Planner

Chair Nuñez opened the meeting at 7:00 p.m., noting that the meeting was being conducted in a hybrid format both in-person at City Hall and virtually via WebEx.

**I. Briefing**

**Briefing on Project Plan PJT2023-00015, Tower Preserve, an Application to Amend the Planned Development for Tower Oaks to Permit Construction of 83 Townhomes Instead of Hotel and Fitness Center Use at 2200 Tower Oaks Boulevard, and to Request a Parking Reduction of 18 Percent for the Existing Office Building at 2000 Tower Oaks Boulevard in the PD-TO (Planned Development – Tower Oaks) Zone; Michael Harris Properties, LLC., Applicant**

Mr. Ortiz presented a briefing on the proposed amendment for the Tower Preserve project at 2000 and 2200 Tower Oaks Boulevard. He mentioned that the request was to amend a portion of the Tower Oaks Planned Development to construct townhomes and request a parking reduction. Mr. Ortiz stated that there would be a Mayor and Council briefing tentatively scheduled for April 17, 2023.

Harris Schwalb of Michael Harris Homes gave a presentation. Commissioner Tyner mentioned that historically developers have faced challenges on this site and said that he would probably have further questions on a future Site Plan. Commissioner Pitman asked about the forest conservation that would be lost. Mr. Schwalb replied that with adjustments there would be a

24,000 sq ft net loss of forest conservation. Commissioner Fulton asked if the two portions of Public Street A would be retaining the two left turn lanes into the community. Andy Smith with Kimley Horn responded that it would remain the same. Chair Nunez asked if the garage would be accommodating any potential visitor parking if elsewhere is full. Mr. Schwalb mentioned that this would be a private garage and parking would be enforced by the HOA.

Mark Wetterhahn, of Don Mills Court, asked the Commission to consider the effects on parks and the community as whole with increased residential usage. Commissioner Pitman asked if the deeded forest conservation area would be absorbed into the existing forest conservation area. Mr. Ryan confirmed that it would.

## **II. Recommendation to the Mayor and Council**

### **Briefing on Zoning Text Amendment TXT2023-00261, an Interim Zoning Ordinance Update to Allow for Floating Zones that Implement the Rockville 2040 Comprehensive Plan Recommendations, and Proposed Changes to Sec. 25.06.05, Administrative Adjustments; Mayor and Council of Rockville, Applicant**

Mr. Wasilak gave a presentation on the Zoning Text Amendment, as discussed at the last meeting, for the amendment proposal that would allow for floating zones that implement the Rockville 2040 Comprehensive Plan recommendations to move forward if they comply with the Plan but are different than the underlying zoning that they have, and also provides for additional Administrative Adjustments. Mr. Wasilak pointed out that recommendation would be delayed to the next meeting with a more final comprehensive draft pending additional items.

Commissioner Pearson asked if the floating zones have been applied successfully in practice elsewhere. Mr. Dumais replied that floating zones have been recognized as zoning tools in Maryland. For instance, Montgomery County applies them in a similar way as proposed in this ordinance. Mr. Dumais stated that he could provide some development examples from Montgomery County. Commissioner Pitman asked what the average parking waiver the City has given over the last couple of years. Mr. Wasilak replied that he would find out. Commissioner Pitman asked about the extent to which the floating zones could be modified to improve development standards in responding to development proposals or is it better suited for the Zoning Text Amendment. Mr. Wasilak responded that Zoning Text Amendment may be suited due to the limited policy guidance here. Chair Nunez also touched on the development standards and the importance of this being looked in to with the floating zones.

Pat Harris of the Lerch Early law firm spoke on support of the floating zones on behalf of Pulte Homes

CJ Overly the Development Manager for BXP, spoke in support of the administrative adjustments.

## **III. COMMISSION ITEMS**

- A. Staff Liaison Report** – Mr. Wasilak stated at the next meeting on March 22<sup>nd</sup> he anticipated a few other text amendments in addition to the Interim Zoning text amendment, including the text amendment to allow Accessory apartments as a conditional use rather than special exception use and the Parkland dedication and Impact fee zoning text amendment and ordinance amendment. Also there may be changes to the Rules of Procedure. Mr. Wasilak stated that the Planning Retreat format could be altered to make it more helpful for the public with a Zoning 101 accompanied with different speakers on various topics.

Chair Nunez suggested perhaps a weekday afternoon would also help in addition to holding it following a regular meeting. Commissioner Pitman voiced support on this concept and also outlined the importance of these meetings to help the Commissioners develop a greater understanding of zoning overall. Commissioner Tyner mentioned he hoped that the retreats would allow the Commissioners to share thoughts and ideas on occurrences in the city.

- B. Old Business** – Mr. Wasilak stated that there would be listening sessions in April for the Town Center Master Plan update.

- C. New Business** – None

- D. Minutes Approval** – Chair Nunez asked if there were any changes needed to the minutes of the Commission's February 8, 2023 meeting. Commissioner Fulton made the motion to approve the February 8, 2023 minutes. The motion was seconded by Commissioner Pitman. The motion was approved unanimously 5-0.

- E. FYI/Correspondence** – Mr. Wasilak stated that there was some correspondence from attorney Bill Chen regarding the Interim Text Amendment, which was addressed.

#### IV. ADJOURN

There being no further business to come before the Planning Commission, Commissioner Pitman moved, seconded by Commissioner Fulton, that the meeting be adjourned at 8:55 p.m. The motion was approved unanimously.

Respectfully Submitted,



Commission Liaison