

Submitted November 10, 2020

Approved November 18, 2020

**MINUTES OF THE ROCKVILLE PLANNING COMMISSION
MEETING NO. 12-2020
Wednesday, June 24, 2020**

The City of Rockville Planning Commission convened in regular session
via WebEx at 7:00 p.m.
Wednesday, June 24, 2020

PRESENT

Anne Goodman – Chair Pro Tem

Don Hadley

Suzan Pitman

Sarah Miller

John Tyner II

Rev. Jane Wood

Absent: Charles Littlefield

Present: Nicholas Dumais, Assistant City Attorney
Jim Wasilak, Zoning and Development Manager

Chair Pro Tem Goodman opened the meeting at 7:00 p.m. and noted that she is acting as chair due to the absence of Chair Charles Littlefield. She further noted that Rockville City Hall is closed until further notice to reduce the spread of the coronavirus based on state directives. The meeting is being conducted virtually by WebEx due to the resulting pandemic. Members of the public who wish to comment on an agenda item may do so by sending an email to planning.commission@rockvillemd.gov, and the comments will be acknowledged by the Commission at the meeting. No comments have been received for tonight's meeting.

I. RECOMMENDATION TO MAYOR AND COUNCIL

A. Zoning Text Amendment TXT2020-00256, to Amend Section 25.21.21 of the Zoning Ordinance to Modify the Tree Planting Requirements for New Residential Lots Containing Townhouses, Duplexes and Other Attached Units; Mayor and Council of Rockville, Applicants

Jim Wasilak presented proposed modifications to the text amendment language that result from prior discussions of the text amendment by the Commission. He noted that the reference to the City Forester has been retained but tweaked to note that the planting standards are issued by the City Forester but that the forestry requirements are administered by Planning. The draft shows duplexes, or semi-detached units, as requiring two trees in the rear yard and one in the front yard, the same requirement as single unit detached lots. The minimum of three trees per lot is also retained for townhouse and attached units, but with flexibility to plant the trees in common area or on a parcel to be dedicated to the City. This would be subject to criteria, including that it is impractical to plant trees on the lots of those units and the submission of a landscape plan demonstrating provision of trees in the vicinity of the lots. This flexibility, built into the code, will provide for criteria that may be reviewed by the Commission for

compliance, rather than applying the hardship criteria through the subdivision variance process. In addition, a criterion will assure compatibility with the existing neighborhood for infill projects. Mr. Wasilak stated that these recommended changes address all of the previous Commission concerns. He suggested that the Commission should consider a 1.5 trees per lot standard that could apply in more urban zones in the City, such as the MXTD, MXCD and MXE zones.

Commissioner Wood stated that the 1.5 trees for new communities seems appropriate, given the lack of adequate space on individual lots in new townhouse communities. Mr. Wasilak noted that the trees would still be provided, although not on individual lots, under the proposal in that scenario. Commissioner Wood also asked about the reason for adding the Chief of Zoning as authority over the planting requirements, and Mr. Wasilak responded that it is based in part on the current City organization, with the Forestry ordinance administered in Planning and Development Services. The City Forester is no longer involved in the forestry plan review, but still establishes the standards for tree planting.

Commissioner Tyner thanked staff for picking up all of the Commissioners' comments and supports the suggested language regarding the City Forester and the Chief of Zoning. He thinks the Commission is improving the requirements, and clearly stating the requirements and criteria up front is a positive step. He also asked if there should be a density cap for the City's zones, to which Mr. Wasilak responded that there could be an evaluation of that as part of the Master Plan. He noted that most zones don't have density limits, and the development is shaped by all of the requirements that apply to each development proposal.

Commissioner Pitman commented that high density areas are also the neighborhoods for those residents that live there. She is not in favor of reducing tree cover, as they contribute to the quality of life in those areas. Commissioner Miller noted that there is still the possibility to think of tree locations in a flexible way, and Mr. Wasilak reviewed the proposed criteria at the request of the Chair.

Chair Goodman expressed reservations about the forestry review occurring within planning and not being independent, like other reviews. Commissioner Miller expressed that she is somewhat on the fence about this issue.

Commissioner Pitman moved, seconded by Commissioner Tyner, to recommend approval of the Text Amendment as recommended by staff at tonight's meeting. The motion was approved by a vote of 4-1-2, with Chair Goodman opposed and Commissioners Littlefield and Hadley absent for the vote. Chair Goodman noted that she is not opposed to the text amendment per se but remains concerned about the language regarding the City Forester.

II. COMMISSION ITEMS

- A. **Staff Liaison Report** – Jim Wasilak reported that the next meeting will be on July 8, which will be a review of the 2019 Annual Report. There will be two additional meetings before the August break. The East Rockville Design Guidelines will be on the July 22 meeting agenda.

Although no development applications are currently scheduled for any upcoming meeting, the Site Plan application for the Twinbrook Quarter project could potentially be on one of them, either before or after the August break.

He noted that upcoming meetings will continue to be virtual, and staff have developed protocols for accommodating public testimony related to development applications. These protocols will be reviewed by the Commission at a meeting before being implemented.

B. Old Business – Chair Goodman asked if the Mayor and Council had responded to the Commission’s correspondence regarding the Open Meetings Act violations and the desire to review environmentally-related documents.

C. New Business – Chair Goodman expressed concerns about her observations that the Planning office is taking on reviews of a broad range of topics, and whether this was acceptable. Commissioner Pitman asked if the City staff share review responsibilities of the various aspects assigned to the Zoning staff. Mr. Wasilak responded that many of the recent changes address process concerns, including the sign code modification that removed the subjective nature of the Sign Review Board, which has since been abolished. He noted that reviews are done by technical staff, who make decisions based on compliance with the City code every day. Forestry review is based on the Forest and Tree Preservation Ordinance, which remains unchanged since administration transferred to Planning from Recreation and Parks. Staff continues to enforce the code as written. He noted that all staff decisions are well-considered and collaborative.

Commissioner Tyner reminded the Commission about the development review process, which takes all of the various aspects of City code into account simultaneously. He thought that as long as the professional forester is brought to bear on applications, he is comfortable with the review as it is. He reminded Commissioners to be vigilant in making professional and not personal comments.

D. FYI/Correspondence – Mr. Wasilak noted that one piece of correspondence was received from Randy Alton regarding the Rockshire Village Center. Chair Goodman suggested that the Commission consider text in the Master Plan about the potential effect of the COVID pandemic on the City’s planning, as suggested in the testimony. Commissioner Tyner supported looking at the draft with financial reality in light of the pandemic at the end of the Commission’s review.

III. ADJOURN

There being no further business to come before the Planning Commission, Commissioner Pitman moved, seconded by Commissioner Wood, that the meeting be adjourned at 7:55 p.m. The motion was approved unanimously.

Respectfully Submitted,

A handwritten signature in blue ink that reads "R. James Wasilek". The signature is written in a cursive style with a prominent initial "R" and a dot over the "i" in "James".

Commission Liaison