

Submitted August 11, 2021

Approved August 11, 2021

**MINUTES OF THE ROCKVILLE PLANNING COMMISSION
MEETING NO. 12-2021
Wednesday, July 14, 2021**

The City of Rockville Planning Commission convened in regular session
via WebEx at 7:00 p.m.
Wednesday, July 14, 2021

PRESENT

Charles Littlefield	Andrea Nuñez
Sarah Miller	Sam Pearson
	John Tyner, II

Absent: Suzan Pitman - Chair
Anne Goodman

Present: Nicholas Dumais, Assistant City Attorney
Jim Wasilak, Chief of Zoning
Andrea Gilles, Comprehensive Planning Manager
Sachin Kalbag, Principal Planner

Commissioner Littlefield, acting as Chair in the absence of 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. BRIEFING

A. Briefing on Zoning Text Amendment TXT2021-00259, Amendments to the Mixed-Use Employment (MXE) Zone to Allow a Self-Storage Warehouse as Secondary Use; Miller, Miller & Canby, Applicants on Behalf of U-Haul, Inc.

Mr. Wasilak began the briefing for the subject text amendment, noting that unlike most recent text amendments which had been initiated by the City, the subject amendment was initiated by a private property owner, U-Haul, Inc. He reminded the Commissioners that the briefing was the initial step in a multi-phased review, and the text amendment would be brought back to the Commission for its consideration at a future date.

Mr. Wasilak further presented an overview of the text amendment, highlighting previous text amendments which modified the uses in the MXE Zone. He noted that the Mayor and Council had previously studied the MXE zone in which it was determined that self-storage was not a complimentary use to the employment-focused nature of the MXE zone. As a result of such study, self-storage warehouse became a conditional use, with the conditions being that the property must adjoin property approved for Heavy Industrial uses. He added that the zoning ordinance was changed to reflect this and included a stipulation that existing self-storage

warehouses could continue to exist as permitted for 10 years but will become nonconforming after those 10 years.

Mr. Wasilak continued that the subject amendment seeks to modify the conditional use provisions for self-storage warehouse uses to allow such use when operated in conjunction with a permitted principal use of the zone, designed to provide only internal access to the self-storage units, and be located in an existing office building. Mr. Wasilak explained that staff did have some concerns about the text amendment, noting that the text amendment seems to be contrary to the City-initiated text amendment previously approved, which made the self-storage warehouses a conditional use in the MXE zone. He added that staff was also concerned about the text amendment effectively allowing self-storage uses to become principal uses as well as the potential proliferation of self-storage warehouses within the MXE Zone, given the language of the text amendment.

Commissioner Pearson inquired if there was any data to indicate that proliferation of the self-storage use would be a probable outcome in implementing the proposed text amendment. Mr. Wasilak responded that several sites within the city were approved for self-storage warehouse uses when said use was permitted as part of the 2009 Zoning Ordinance update. In addition to such approvals, staff had met with several developers during such time who indicated their interest in developing self-storage warehouse on other sites within the City.

Commissioner Nuñez inquired whether it was anticipated for more areas of the city to become zoned MXE in the future. Mr. Wasilak responded that rezoning would occur as a result of the current efforts to update the City's Comprehensive Plan, but he further noted that there were no expansions of MXE proposed in the Comprehensive Plan. He added that properties annexed into the City could possibly attain the MXE zoning.

Acting Chair Littlefield inquired and Mr. Wasilak confirmed that if implemented, the proposed use would be subject to conditions imposed through the criteria of the conditional approval included in the subject text amendment, and not permitted as a "by-right" use.

Mr. Jody Kline, representing the applicant, further presented on the proposed text amendment. He indicated that U-Haul's business model was focused on activities such as the rental of trucks, retail stores to support moving activities, and associated self-storage. He further explained that U-Haul received approval and subsequently established a retail store and truck leasing operation on a site within the MXE Zone. However, when U-Hall decided to proceed with the operation of the self-storage in 2018, the Mayor and Council had established a moratorium on self-storage warehouses in order to study uses in the MXE Zone, and then subsequently prohibited the use entirely. He further added that for the building proposed to implement the self-storage use, it was intended that the self-storage use only occupy one floor of the multi-floor building and comprise 30-40 percent of the building's square footage, thus not becoming the site's primary use. Mr. Kline further added that it was U-Haul's intent to narrow the sites where self-storage could be allowed, based off the conditional use provision proposed, and not encourage proliferation of the self-storage use within the MXE Zone. Mr. Kline emphasized that because of the conditional use

provisions, the text amendment would not create any adverse impacts and would help to energize activities in the existing building.

Commissioner Tyner inquired, and Mr. Kline affirmatively responded that the proposed self-storage use, in combination with the truck leasing and retail store was intended to accommodate short-term storage and facilitate moving of goods and not the long-term storage of other self-storage facilities.

Commissioner Miller raised concern about how the proposed conditional use would impact other applicable properties other than the subject property operated by the applicant. Mr. Kline responded that the text amendment was crafted in such a way as to narrow the permitted nature of the self-storage use to the subject property operated by U-Haul and not be proliferating to other sites, given the specific criteria proposed in the text amendment.

Mr. William Chen, introducing himself as a local attorney, and Ms. Ann Mitchell, CEO of Montgomery Hospice, provided testimony on the subject text amendment. Ms. Mitchell testified the Montgomery Hospice has operated in the same building as that of the U-Haul, for which this subject text amendment was proposed for. She added that upon U-Haul arrival in the building in 2013, the status of the building had deteriorated with numerous tenants vacating the building. She testified that Montgomery Hospice had also tried to exit its lease with U-Haul, the building owner, but was unsuccessful and added that she was skeptical of the proposed use providing any activity that would energize a building that was now practically empty of tenants. She expressed her opposition for the proposed text amendment.

Commissioner Tyner inquired of staff to explore the possibility of proliferation of the self-storage warehouse use and report back its findings to the Commission at its next meeting.

Acting Chair Littlefield inquired if the concerns raised by Ms. Mitchell and the absence of tenants in the building was considered by staff. Mr. Wasilak responded that such concerns were observed by staff and added that the absence of tenants in the subject building provided a case of why the Mayor and Council reached the conclusion in its previous study that self-storage warehouse uses were contrary to the employment-focused nature of the MXE zone.

Mr. Wasilak noted that the subject text amendment would be presented again to the Commission at its meeting scheduled for July 28 for further consideration and recommendation, for which a staff report and recommendation would be provided. He further indicated that the opinion of staff was not to recommend approval of the subject text amendment but suggested that staff could consider additional conditions to further narrow the scope and applicability of the amendment if Commission felt that it would like to recommend approval of the proposed conditional use. The Commissioners agreed to this suggestion.

II. REVIEW AND ACTION

A. Presentation, Discussion and Approval of the 2020 Planning Commission Annual Report

Mr. Wasilak presented the annual report to the Commission, for which he mentioned was required by the state for any jurisdiction having planning authority. He further indicated that it was being presented to the Commission for any edits that may be needed before further forwarding to the Mayor and Council. He indicated that there were three major components to the report which included the number of residential permits approved in the City. Mr. Wasilak indicated that residential permits approved had risen as compared to 2019 due to build out of certain townhouse communities such as Tower Oaks and King Farm. He also added that the report gives a status of capacity analysis based off of the City's Adequate Public Facilities Ordinance. Mr. Wasilak noted that comparatively few applications were approved in 2020, due in part to the COVID-19 pandemic, but also added that previously approved projects were continuing their buildout in 2020.

Acting Chair Littlefield inquired about how jobs will be projected in the future given the change in occupational conditions and employees working from home and being counted as workers within the City. Mr. Wasilak responded that he would further consult with staff and provide a response at a later meeting.

Commissioner Tyner made a motion to approve the Planning Commission's 2020 Annual Report with the necessary edits expressed by the Commissioners. Commissioner Miller seconded the motion. The motion carried 3-0-2 with Commissioners Pearson and Nuñez abstaining and Commissioner Goodman and Chair Pitman absent.

III. COMMISSION ITEMS

- A. Staff Liaison Report** – Mr. Wasilak reported that the next Planning Commission meeting would be July 28. He indicated that the subject text amendment for self-storage warehouses in the MXE zone would return for the Commission's consideration and recommendation. He also added that there would be a Parking Waiver application for Congressional Plaza in order to facilitate a change of use from office to day care use. He also indicated that a site plan application for redevelopment of property on Fortune Terrace and a presentation of the I-270 corridor transit plan would be scheduled for the Commission's August 11 meeting.
- B. Old Business** – None.
- C. New Business** – Commissioners Goodman and Pearson, as well as Chair Pitman thanked Commissioner Tyner for his attendance of the Mayor and Council's work sessions on the Comprehensive Master Plan Update.
- D. Minutes Approval**

Acting Chair Littlefield asked if there were any changes needed to the minutes of the Commission's May 12, 2021 meeting. Commissioner Tyner made the motion to approve the May 12, 2021 minutes, seconded by Commissioner Pearson. The motion carried 4-0, with Commissioners Nuñez, Goodman, and Chair Pitman absent.

Acting Chair Littlefield asked if there were any changes needed to the minutes of the Commission's May 26, 2021 meeting. Commissioner Miller made the motion to approve the May 26, 2021 minutes, seconded by Commissioner Pearson. The motion carried 4-0, with Commissioners Nuñez, Goodman and Chair Pitman absent.

E. FYI/Correspondence – None

IV. ADJOURN

There being no further business to come before the Planning Commission, Commissioner Pearson moved, seconded by Commissioner Miller, that the meeting be adjourned at 8:25 p.m. The motion was approved unanimously.

Respectfully Submitted,



Commission Liaison