

Submitted September 22, 2021

Approved September 22, 2021

**MINUTES OF THE ROCKVILLE PLANNING COMMISSION
MEETING NO. 15-2021
Wednesday, September 8, 2021**

The City of Rockville Planning Commission convened in regular session
via WebEx at 7:00 p.m.
Wednesday, September 8, 2021

PRESENT

Suzan Pitman - Chair

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

Present: Nicholas Dumais, Assistant City Attorney
Jim Wasilak, Chief of Zoning
David Levy, Assistant Director, Department of Planning and Development Services
Faramarz Mokhtari, Senior Transportation Planner

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. RECOMMENDATION TO MAYOR AND COUNCIL

A. Recommendation to the Mayor and Council on Zoning Text Amendment TXT2021-00259, to Permit Self-Storage Warehouse Use in the MXE Zone, Subject to Certain Criteria; Miller, Miller & Canby for U-Haul, Inc., Applicants

Mr. Wasilak presented the subject text amendment, noting that the amendment proposes to permit self-storage warehouses as a secondary use in the MXE Zone, when located within an existing office building. He added that there was a fairly recent text amendment, adopted by the Mayor and Council in 2019, which changed self-storage warehouses from a permitted use to a conditional use in the MXE Zone. He continued that such conditional use was dependent on the property intended for self-storage warehouse use being adjoined to property approved for Heavy Industrial uses. Existing self-storage warehouses may continue to exist legally for ten years, and then become nonconforming uses thereafter. He detailed that such text amendment revising the self-storage use in the MXE Zone was the result of an extensive study by the Mayor and Council in order to meet the intent of the MXE Zone to provide employment-focused uses. Mr. Wasilak

further detailed the history of self-storage warehouse uses within the City, noting its inception as a permitted use in 2003 in the City's service industrial zone and further was permitted in 2009 in the MXE Zone when the mixed-use (MX) zones were added to the Zoning Ordinance. The use then became conditional in 2019 as previously mentioned.

Mr. Wasilak further detailed staff's recommendation for denial of proposed amendment. He explained that reasoning for the denial recommendation includes staff's concern on the principal use requirement and the fact that there was no limitation for which a building could provide for self-storage warehouse uses and thus could limit employment uses. He also added that approval of the subject amendment would be contrary to the recent text amendment adopted by the Mayor and Council which intended in part to limit the spread of self-storage warehouse uses. He added that conversations with Cynthia Rivarde of Rockville Economic Development, Inc. (REDI), included the determination that MXE Zone should not be accommodating uses which are not employment-oriented. Mr. Wasilak concluded that approval of the amendment could also lead to proliferation of self-storage warehouse uses in existing buildings as proposed.

Per direction from the Commission at its earlier briefing on the subject amendment, Mr. Wasilak then summarized potential considerations for if the text amendment were to be considered for approval. Such considerations included limiting the self-storage warehouse use to larger office buildings, implementing a compatible design for the area where proposed, limiting the self-storage use to less than half of the total building's use area and not permitting self-storage warehouse use to abut freeways such as I-270.

Chair Pitman disclosed that her company recently rented a vehicle from the applicant but added that neither she nor her business have a relationship with the applicant or anyone representing the applicant at tonight's meeting.

Commissioner Tyner emphasized the extensive study that had been completed on what the appropriate uses should be for the mixed-use zones, and he added that such study was further augmented with the recent text amendment adopted by the Mayor and Council further limiting self-storage warehouse use.

Jody Kline, attorney representing U-Haul, indicated the position of the applicant was that there are distinguishing factors of the subject property for which the amendment is intended for, which do not conflict with the text amendment adopted by the Mayor and Council in 2019, limiting self-storage warehouse uses. He further added that the limiting of the use, and the mitigation of any adverse impacts of the proposed self-storage warehouse use, among other considerations, were exemplified in conditions of approval included in the applicant's proposed text amendment. He further indicated that the intent of the amendment was not to have self-storage warehouse become the dominant use of such office buildings and added that such use would be combined with other retail uses such as sales and rentals vehicles and equipment.

Commissioner Littlefield inquired if the subject amendment were approved, would the resulting self-storage warehouse uses be subject to the ten-year term implemented on such uses by the adoption of the Mayor and Council's 2019 text amendment. Mr. Wasilak indicated that the ten-

year, nonconforming use provision established by the 2019 text amendment only applied to either existing, pending, or approved self-storage warehouse uses. He further explained that U-Haul would not be subject to such provision as it did not submit nor achieve approval of the self-storage warehouse use prior to the 2019 text amendment.

Commissioner Nuñez inquired of what the anticipated number of U-Haul employees would be on-site for the proposed uses. Mr. Kline responded that from his recollection, it would be 36 employees serving multiple aspects of the U-Haul business on-site. Commissioner Nuñez also asked what percentage of the office building would the self-storage warehouse use occupy. Mr. Wasilak noted that the proposed text amendment did not provide a use limitation and he added that staff had provided a limitation to establish the use as secondary to other employment uses. Mr. Kline further responded that the applicant was amenable to such limitations so that the use would be less than 50 percent of the building area. Upon further questioning from Commissioners Nuñez and Goodman, Mr. Kline confirmed that with the implemented self-storage warehouse use, the subject office building could still accommodate approximately 200-300 employees in lieu of the current maximum capacity of 600 employees. Mr. Kline added that to his recollection, since the building's opening in the 1980s, it had never achieved such maximum capacity employee figures.

William Chen, an attorney representing Montgomery Hospice, then gave testimony before the Commission. Mr. Chen indicated that he had submitted an affidavit to the Commission detailing the history of the subject office building at 1355 Piccard Drive and the activities on-site since U-Haul became owners of the property. He further added that the comments by Mr. Kline did not fully and accurately represent the conditions of the property, as provided by his clients through first-hand accounts. He further argued that the presence and activities of the U-Haul operation at this site has been influencing office tenants into leaving the building and has become a deterrent to recruitment of additional office tenants to the building. He concluded that the proposed self-storage use would not be compatible with the subject MXE zone, whose primary focus is employment.

Ann Mitchell, CEO of Montgomery Hospice, then gave further testimony before the Commission. Ms. Mitchell indicated that Montgomery Hospice has been a tenant in the subject 1355 Piccard Drive office building since 2003 and employs 250 people, including approximately 100 in-office employees. She indicated that she concurred with staff's recommendation to deny the subject text amendment and added that the proposed self-storage warehouse use was not compatible with commercial office uses. Ms. Mitchell further raised concerns for the proposed use impacting existing adjacent uses including a private school and a senior adult day care center. She further indicated her concerns regarding traffic related to moving trucks and the safety of pedestrians, both children and the elderly. She further indicated that Montgomery Hospice would not have become a tenant of the building had it known that the building would include self-storage warehouse use, and also noted that U-Haul had denied its request to be released from its lease without penalty. Ms. Mitchell disclosed that Montgomery Hospice still had four more years left on its lease. Ms. Mitchell concluded that tenant vacancies in the office building had increased prior to the onset of the Covid-19 pandemic and the current conditions now include a mostly

vacant office building and the accommodation of large moving tractor-trailer vehicles rather than cars more consistent with office building uses.

Commissioner Littlefield commented that he was not in favor of supporting the proposed text amendment but offered further comments that the proposed use could be a supply-and-demand solution to the changing dynamics of the office market and office space demand. He further commented that if rising demand for conversion of office space to residential uses occurred in the MXE zone, the employment focus of such zones would be removed. Commissioner Littlefield added that if such self-storage warehouse uses were implemented as proposed, additional conditions could be implemented, such as not being adjacent to residential zones nor closely located near major transit sites or public areas, such as parks.

Commissioners Tyner, Nuñez and Goodman indicated their support of staff's recommendation to deny the proposed text amendment. Commissioner Goodman commented that she was concerned about the safety issues which could arise from having the self-storage and moving trucks in close proximity to children in the neighborhood, as well as the low employment numbers generated by the proposed use.

Commissioner Pearson indicated his support for the proposed text amendment with the additional conditions presented by staff, adding that he thought the use brought value to the community. He explained that in his experience with self-storage warehouses, the use did not generate traffic issues nor was it unsightly to the surrounding area. Commissioner Pearson concluded that in supporting the amendment, the Commission could further give guidance as to how the self-storage warehouse use could be appropriately accommodated within the City.

Commissioner Nuñez made a motion to recommend denial of Zoning Text Amendment TXT2021-00259 to the Mayor and Council, for the reasons stated in the staff report. Commissioner Tyner seconded the motion. The motion carried by a vote of 6-1, with Commissioner Pearson opposing.

II. PRESENTATION

A. Briefing on Corridor Forward – the I-270 Transit Plan by Montgomery County Planning

Faramarz Mokhtari introduced the subject transit plan study for the I-270 corridor, identifying such area as the collection of communities and employment centers ranging from Tysons Corner to the south to the City of Frederick to the north. He continued that although previous transit master plans have been completed throughout the corridor, they have tended to focus on specific geographic areas within the corridor. He added that this current study attempts to build off of previous plans and identify a priority of transit options throughout the corridor.

Patrick Reed from the Montgomery County Planning Department further presented on the Corridor Forward transit plan. He detailed five transit options identified by the study which could improve transit along the I-270 Corridor, but emphasized that the County needs a clear strategy to ensure that resources are directed to advantageous projects. Mr. Reed further explained that the

plan's approach was to inventory and compare up to 15 corridor transit options and retain five options to further prioritize. He added that an implementation plan would then be developed which would detail the major steps that will need to be taken to realize the highest-priority projects. Among the options presented by Mr. Reed were an enhanced MARC rail option which would provide more frequent service to and from Rockville Town Center, a WMATA Red Line extension providing connections between Rockville Town Center and northern communities of Gaithersburg and Germantown, a new monorail or light rail extension to Frederick, and further expansion of Bus Rapid Transit (BRT) including within the City.

Commissioner Littlefield inquired what would be the future plans to address transit ridership patterns once the COVID-19 pandemic ended. Mr. Reed responded that the County uses a regionally-accepted model to assess ridership. He noted that the pandemic had somewhat altered previous expectations for ridership but acknowledged that a third-party firm had been hired to research and account for changes in ridership due to the pandemic. Mr. Reed also noted that while traffic patterns were returning back to their pre-pandemic levels, ridership was more of a challenge to determine in the future and would be part of the planning team's ongoing efforts. Mr. Reed also noted that there are significant equity needs which the County is looking to address in future transit plans.

Commissioner Tyner commented on the importance of addressing operation and maintenance within the various options of the plan to ensure the viability of each option. Mr. Reed acknowledged that operation and maintenance would be considered and that the County was working with its transit partners to ensure such issues would be adequately addressed.

Upon questioning from Commissioners Tyner and Goodman, Mr. Reed presented on the method by which each option would be evaluated and determined for feasibility. He detailed that the feasibility study of each option would follow a four-dimensional framework based on strategic, socio-economic, financial, and implementation. Mr. Reed indicated that the next steps would include continuing to gather feedback on transit options and providing further recommendations on the transit plan.

Commissioner Tyner asked if a Public Private Partnership (P3) had been considered in financing for the transit plan's options. Mr. Reed responded that in consideration of all the transit options within the plan, the Montgomery County Planning Board did not direct staff to assess direct funding mechanisms for particular options, and he indicated such details may become clearer as implementation of the plan is further developed.

Commissioner Littlefield inquired about the potential impacts to agricultural areas and sprawl developments occurring as a result of the implementing the proposed enhanced MARC rail transit option. Mr. Reed responded that additional infrastructure and rail track would be needed. Mr. Reed added that while some areas had been recently rezoned around MARC stations, the overall zoning for such areas limits growth to deter such sprawl developments.

Chair Pitman indicated that the Commissioners had raised issues regarding agricultural, environmental, sprawl, and equity concerns and further inquired if the Commissioners would like

to include such issues into a memorandum to the County Planning Board. Commissioner Pearson indicated that such a memorandum should be provided. Mr. Levy indicated that staff would provide the Commissioners with a draft of the County Planning Board's transit plan when it became available and could follow up with the Commission thereafter so that it could provide its comments. Chair Pitman emphasized the importance that the Commissioners be provided with sufficient time to review and provide comments, which Mr. Levy acknowledged.

III. COMMISSION ITEMS

- A. Staff Liaison Report** – Mr. Wasilak reported that the next Planning Commission meeting would be September 22. He indicated that the Commission's meetings would continue to be virtual for the foreseeable future. He indicated that the September 22 meeting would include the Commission's consideration and recommendation of the King Buick Project Plan. Mr. Wasilak indicated that the annexation process for the site is ongoing. He also indicated that the project has undergone changes since the Commission observed it previously, specifically with pedestrian and transportation improvements. He indicated that an annexation agreement and project plan for the King Buick project were anticipated to be concluded concurrently.

Mr. Wasilak also indicated an introduction to an implantation plan which staff is developing in order to implement the newly adopted Rockville 2040 Comprehensive Plan, would occur at the next meeting. He also indicated some internal staff changes in order to facilitate implementation of a forthcoming updated Zoning Ordinance but clarified that he would remain as liaison to the Commission.

- B. Old Business** – None.

- C. New Business** – None.

D. Minutes Approval

Chair Pitman asked if there were any changes needed to the minutes of the Commission's July 28, 2021 meeting. Commissioner Goodman made a motion to approve the July 28, 2021 minutes. The motion was seconded by Commissioner Pearson. The motion carried unanimously 7-0.

Chair Pitman asked if there were any changes needed to the minutes of the Commission's August 11, 2021 meeting. Commissioner Tyner made a motion to approve the August 11, 2021 minutes. The motion was seconded by Commissioner Goodman. The motion carried unanimously 5-0-2, with Commissioners Littlefield and Pearson abstaining.

- E. FYI/Correspondence** – Mr. Wasilak noted several pieces of correspondence received for invitations of groundbreaking on projects within the City, which the Commission could accept individually.

IV. ADJOURN

There being no further business to come before the Planning Commission, Commissioner Littlefield moved, seconded by Commissioner Tyner, that the meeting be adjourned at 9:11 p.m. The motion was approved unanimously.

Respectfully Submitted,

A handwritten signature in blue ink that reads "R. James Wasilak". The signature is written in a cursive style with a distinct loop for the letter 'R' and a small dot above the 'i' in "James".

Commission Liaison