

Submitted October 13, 2021

Approved October 13, 2021

**MINUTES OF THE ROCKVILLE PLANNING COMMISSION
MEETING NO. 16-2021
Wednesday, September 22, 2021**

The City of Rockville Planning Commission convened in regular session
via WebEx at 7:00 p.m.
Wednesday, September 22, 2021

PRESENT

Suzan Pitman - Chair

Anne Goodman
Sarah Miller

Andrea Nuñez
Sam Pearson
John Tyner, II

Absent: Charles Littlefield

Present: Nicholas Dumais, Senior Assistant City Attorney
Jim Wasilak, Chief of Zoning
David Levy, Assistant Director, Planning and Development Services
John Foreman, Development Services Manager
Sachin Kalbag, Principal Planner
Faramarz Mokhtari, Senior Transportation Planner
Clark Larson, Principal Planner
Larissa Klevan, Principal 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. Project Plan Application PJT2021-00013, for the Construction of Approximately 252 Townhomes and 118 Two-Over-Two Multi-Family Units in the MXCD (Mixed-Use Corridor District) Zone at 16200 Frederick Road (King Buick) and Parcel P170, EYA Development, LLC, Applicant

Mr. Kalbag presented the application to the Commission, explaining that the proposal intended to redevelop the existing car dealership site into a residential townhouse development. He noted that a portion of the site currently lies outside the City's boundaries in Montgomery County, and is therefore going through the annexation process to incorporate the entirety of the site within the City in order to further facilitate the proposed development of a total 371 residential dwelling

units. Mr. Kalbag explained that the proposed development was in compliance with the City's applicable development regulations and that staff was recommending approval of the subject plan. He noted that approval of a waiver from the required tree planting of 3 tree per townhouse lot was being recommended. He explained that the design and limited area of the townhouse lots presents significant challenges in meeting such requirement and noted that such a waiver has been approved by the Commission with recently approved townhouse developments. Mr. Kalbag also noted that staff would be recommending to the Mayor and Council approval of a parking reduction and for the development, given its enhanced pedestrian components and the provision of on-street parking spaces. He concluded that in staff's recommendation of approval, revised conditions were also being brought forward for the Commission's consideration to remove erroneous and redundant conditions, as well add an additional condition stipulating that the Project Plan shall have a validity period of 12 years. Mr. Wasilak clarified that such condition meant that the applicant would have 12 years to begin, and not complete, construction on the project.

Commissioner Tyner inquired if the 12-year validity term of the project would effectively exempt the development from changes in the City's laws during such period. Mr. Wasilak responded that the project would be subject to stipulations contained in the associated annexation agreement for the project, but added that it would not necessarily be exempt from City laws in the same manner as other projects such as those designated as a Champion project. Commissioner Tyner also inquired about pedestrian connections and the proposed parking reduction. Mr. Kalbag and Mr. Mokhtari responded that the pedestrian connection would be provided to the adjacent King Farm Farmstead site and that the while parking was proposed to be reduced, staff had found that adequate parking would still be provided with the proposed development.

Commissioner Goodman inquired about parking enforcement on the King Farm Farmstead site. Mr. Foreman responded that the City's Recreation and Parks Department manages the Farmstead site and noted that a future use for the site had not yet been established. He added that the Recreation and Parks Department would further provide enforcement of parking, whether through signage or more active enforcement, as uses on the site develop and as further enforcement becomes warranted. Mr. Foreman also added that as part of the annexation agreement and not this project plan application, the developer would design and construct parking improvements on the farmstead site, while the City would facilitate the necessary approvals for such improvements.

Mr. Kalbag also addressed comments received from the community on the proposed development. He noted that although members of the public had raised concerned over the proposed density of the project, he noted that the density proposed was well below the maximum density permitted. He also noted that the project exceeded the requirements for open and public use space.

Mr. Mokhtari then presented on the project in regards to traffic and transportation. He noted that the applicant has submitted and staff had reviewed a traffic study for the proposed development site. He noted that staff review and analysis of the traffic study included adjusted COVID-19 growth factors to the traffic counts to account for the current situation with the pandemic. Mr. Mokhtari stated that staff had found that all studied intersections in the vicinity of the site would

continue to operate at acceptable levels of service. He further stated that staff was of the opinion that the site would not generate significant amounts of cut-through traffic.

Commissioner Goodman inquired about traffic solutions if there would be significant traffic delays on MD 355. Mr. Mokhtari responded that such situation could be addressed by the recommended second access point to Pleasant Drive in order to provide residents with an alternate access point to the proposed community other than MD 355.

Chair Pitman inquired about clarification on the proposed pedestrian crossing at MD 355 and the entrance of the proposed development. Mr. Mokhtari responded that such intersection would be signalized and thus, provide secure periods of crossing for pedestrians. Commissioner Goodman also inquired on the meaning of an “E” level of service rating. Mr. Mokhtari responded that such level of service is minimum acceptable level of service for urbanized intersections such as for the proposed site.

Chair Pitman introduced Jason Sereno, representing the applicant, EYA Development, to further present the proposed project plan. Mr. Sereno noted that the MXCD Zone was being sought for the entirety of the project and added that all development standards for such zone were being met with the subject proposal. He also noted that the development, as proposed, exceeded the requirements for open space and proposed a development density significantly less than what the maximum would permit. Mr. Sereno explained the changes to the plan since previously presented to the Commission, noting the numerous additional vehicular and pedestrian connections added to improve access to and from the site. Katie Wagner of Gorove Slade presented on the traffic engineering aspects of the developer’s presentation, noting that the submitted study included traffic counts prior to the onset of the Covid-19 pandemic. She also noted that the site had been designed to accommodate future implementation of the proposed Bus Rapid Transit (BRT) along the frontage of the site. Mr. Sereno concluded the presentation with a proposed timeline for the project, noting an anticipated date for construction, beginning in December 2022.

Chair Pitman then called for public testimony on the project. Gina Moses, of 314 Ridgemont Avenue, gave her testimony, stating that she would be impacted by this project and inquired if the proposed development would incorporate its own Clubhouse and swimming pool, or would the resident of this new project seek to utilize the existing King Farm Community Pool. Mr. Sereno responded that such private facilities such as the Clubhouse and swimming pool would be provided for this development. Ms. Moses expressed concerns about the proposed density of the project and its impact on existing traffic conditions.

Ilsabe Urban, resident of 1108 Grand Champion Drive, had technical issues in providing oral testimony during the meeting, but Mr. Wasilak communicated her comments to the Commission, noting that she was supportive of the proposed intersection at MD 355 to ease traffic congestion. She expressed concern on tardiness of written notices for tonight’s meeting, noting that she not yet received her notices as of tonight’s meeting. Chair Pitman requested that Mr. Wasilak look into when such notices were mailed and provide such information to the Commission.

Mr. Wasilak also read comments by Kate Gould, of 802 Grand Champion Drive, whose testimony included concerns about the loss of the field adjacent to the King Farm picnic shelter and how the residents could use that area in the future. Ms. Gould also expressed some concerns about the area being provided for playground areas and how it would accommodate children of differing ages.

Martha Morris of Grand Champion Drive then gave testimony, noting her concerns on the adjacent farmstead property and its future use. She added that while she understood the site to be a current cost center for the City in not producing any revenue, she expressed her desire for the site to remain preserved in some form in order to continue to acknowledge its historical significance and enjoyment by residents. She requested that no further encroachment on the farmstead site be allowed and that plans to construct the proposed parking lot be deferred until a future use of the site was adequately planned for.

Tom Gibney of 304 Ridgemont Avenue then gave testimony on the project, inquiring as to why the proposed signalized intersection would be a deterrent to traffic accessing Pleasant Drive. He also inquired about the formulas used to establish green space and open space requirements on the site and requested more information on the completed traffic study. Mr. Gibney also expressed the difficulties in accessing the virtual public meeting and inquired to improvement of such process. Mr. Wasilak responded to Mr. Gibney's inquiry on open space requirements, noting that the requirement for open space in a mixed-use zone for this site was 10% of the project's land area and public use space was 5% of the project's land area. Mr. Gibney inquired and Mr. Kalbag confirmed that the presentations for this project could be made available for review.

Chair Pitman commented on the requested waiver for required trees per lot. She stated that while she acknowledged that homeowners could cut down trees on their property in the future, she inquired if the developer could offer to plant a tree on each lot subject to the owners discretion, so that some trees could be provided on the townhouse lots rather than no trees per lot be provided as proposed. Commissioner Tyner noted that in other previous cases, such trees could be concentrated in certain areas to as create a grove of trees which could meet the number requirement. Commissioner Goodman expressed her concern to granting a waiver of trees on such applications, noting that such dense developments do not provide the necessary number of trees to positively impact residents in regards to environmental health and quality of life. She also added that the justification for such a waiver, in that the applicant would suffer a hardship seemed to lack sufficient evidence of what such hardship would be.

Commissioner Miller inquired if the tree waiver would be approved with the site plan. Mr. Wasilak noted that the subdivision waiver for trees per lot would be considered for approval by the Planning Commission in consideration of a site plan application but added that such waiver was included in tonight's presentation to give the Commission a comprehensive review of the project. Commissioner Miller indicated her support for the project plan, but also voiced some concern about the proposed tree waiver to be considered at later date.

Commissioner Pearson indicated his support for the project and commended staff and the applicant on their thorough presentations. Commissioner Tyner offered that the Commission

could give its recommendation on the project plan while also inserting additional comments noting the Commission's concerns. Mr. Dumais also responded affirmatively that the Commission had a broad scope to submit both recommendations and comments to the Mayor and Council on the subject project plan.

Commissioner Goodman made a motion to recommend approval to the Mayor and Council of the subject Project Plan Application PJT2021-00013, for the Construction of Approximately 252 Townhomes and 118 Two-Over-Two Multi-Family Units in the MXCD Zone, subject to the findings and conditions presented in the staff report and the revised conditions offered by staff at this meeting. Reservations about the density of the proposed development, and the prospective subdivision waiver request for the required number of tree plantings per lot, were also noted and incorporated into the motion. Commissioner Nuñez seconded the motion. The motion passed 6-0 with Commissioner Littlefield absent.

II. DISCUSSION

A. Discussion of Comprehensive Plan Implementation Strategy

David Levy briefly introduced Larissa Klevan, who then presented to the Commission a proposed strategy for implementing the recently adopted Rockville 2040 Comprehensive Plan. Ms. Klevan explained that staff thought it important that implementation of the Comprehensive Plan honor the work of citizens and stakeholders who were involved in the plan's development and adoption by having conversations with such groups about implementation priorities as well as continuing to support the Planning Commission's role in advising on best implementation strategies. She further presented an implementation matrix to the Commission, explaining that such matrix could assist in formulating priorities for implementation of the plan's many policies and goals and also develop a process and timeline for further implementation measures.

Commissioner Goodman inquired on how public input would be gathered during the implementation development process. Ms. Klevan responded that staff would like to review the extensive input given by the public during the development of the Comprehensive Plan in order to establish priorities, and then bring such priorities to the Commission and the public during the Commission's meetings in order to further refine and finalize such priorities. Mr. Levy added that there are near-term and long-term considerations for implementation of the Comprehensive Plan, but added that going forward the implementation process could be very dynamic as staff continually works with the Commission and others to receive and consider further input.

Chair Pitman commented that she thought it was good idea to have an implementation strategy for the Comprehensive Plan so that the City could be accountable to carrying out the vision established in the plan. Commissioner Tyler commented on the need to establish and understand the tools available for implementing the plan and emphasized the importance of updating the City's Zoning Ordinance in order to implement the land use objectives established in the plan. Commissioner Goodman inquired and Ms. Klevan confirmed that this process would be to establish a strategy of how to move forward in implementing the comprehensive plan rather than formally updating City codes and ordinances, which may follow at a later time. Upon questioning

from Commissioner Nuñez, Ms. Klevan anticipated ongoing periodic updates on the implementation plan, which staff would bring to the Commission for its review and input to further refine.

Mr. Levy noted that given the considerable effort of the Commission, the Mayor and Council and City community, it is the intent of staff to work toward bringing the vision of the Comprehensive Plan to fruition, and this implementation plan provides the framework and impetus to making such vision a reality. Mr. Levy also discussed a prospective near-term timeline for the implementation plan and emphasized the process is envisioned to be flexible as priorities and future actions are considered.

III. COMMISSION ITEMS

A. Staff Liaison Report – Mr. Wasilak reported that the next Planning Commission meeting would be October 13. He indicated that no action items were currently scheduled for the meeting. As discussed with the Chair, the next meeting would focus on a review of the Commission’s Rules of Procedure, allowing the Commission to refamiliarize itself with and potentially make adjustments to such rules. He added that such meeting would be led by Mr. Dumais and would possibly be a combination of an open and closed session meeting.

B. Old Business – None.

C. New Business – Commissioner Goodman announced that she would be resigning as a Commissioner at the end of 2022. She expressed her enjoyment in working with her fellow Commissioners on the many City projects during her tenure with the Commission.

Chair Pitman, Commissioner Tyner, and Mr. Levy also noted the departure of Commissioner Miller at this meeting and thanked her for her contributions to the Commission. Commissioner Miller expressed her appreciation for the experience in serving on the Commission, particularly noting the work done on the Comprehensive Plan.

D. Minutes Approval

Chair Pitman asked if there were any changes needed to the minutes of the Commission’s September 8, 2021 meeting. Commissioner Goodman moved, seconded by Commissioner Pearson, to approve the September 8, 2021 minutes as drafted. The motion carried unanimously 6-0, with Commissioner Littlefield absent.

E. FYI/Correspondence – Mr. Wasilak noted several pieces of correspondence received from residents which were referred to by staff during tonight’s meeting in regards to consideration of tonight’s project plan application.

IV. ADJOURN

There being no further business to come before the Planning Commission, Commissioner Pearson moved, seconded by Commissioner Tyner, that the meeting be adjourned at 9:15 p.m. The motion was approved unanimously.

Respectfully Submitted,



Commission Liaison