

Submitted October 27, 2021

Approved October 27, 2021

**MINUTES OF THE ROCKVILLE PLANNING COMMISSION
MEETING NO. 17-2021
Wednesday, October 13, 2021**

The City of Rockville Planning Commission convened in regular session
via WebEx at 7:00 p.m.
Wednesday, October 13, 2021

PRESENT

Suzan Pitman - Chair

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

Present: Nicholas Dumais, Senior Assistant City Attorney
Jim Wasilak, Chief of Zoning

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. CONVENE

Chair Pitman announced that the Commission would adjourn and go into a closed session in order to review the Commission's Rules of Procedure with the City's legal counsel. Upon the conclusion of the closed session, the Chair stated that the Commission would reconvene in open session for further review of the Commission's Rules of Procedure.

II. ADJOURNMENT INTO CLOSED SESSION PURSUANT TO SECTION 3-305(B)(7) OF THE GENERAL PROVISIONS ARTICLE OF THE ANNOTATED CODE OF MARYLAND TO CONSULT WITH COUNSEL TO OBTAIN LEGAL ADVICE REGARDING THE PLANNING COMMISSION RULES OF PROCEDURE

Chair Pitman called for a motion to adjourn the meeting and the Commission to go into closed session. Commissioner Tyner made the motion, seconded by Commissioner Littlefield. The motion carried by a vote of 6-0.

III. RECOVENE IN OPEN SESSION

Chair Pitman reconvened the Planning Commission meeting at approximately 7:50 p.m., stating that the Commission had adjourned to Closed Session pursuant to Section 3-305(B)(7) of the General Provisions Article of the Annotated Code of Maryland to consult with counsel to obtain legal advice

about the Planning Commission Rules of Procedure. Commissioner Tyner made the motion for the Closed Session, and Commissioner Littlefield seconded the motion, which passed unanimously.

IV. REVIEW OF PLANNING COMMISSION RULES OF PROCEDURE

1. Review of Planning Commission Rules of Procedure and Operations

Commissioner Goodman noted that, while not affecting the Commission's decision-making process, there were a number of established rules that the Commission did not follow. Commissioner Littlefield pointed out that, while the rules of procedure allow for the formation of committees, the Commission had not formed any committees in his time as a commissioner. He added that the Commission should look for opportunities in the future to form such committees, citing his positive past experience on an Adequate Public Facilities Ordinance committee, formed by the Planning Commission. Commissioner Tyner agreed with Commissioner Littlefield, and noted that a previous change to the rules of procedure in 2011 codified the formation of committees by the Planning Commission. Chair Pitman noted the benefit of such committees to deal with reoccurring issues reviewed by the Planning Commission, such as the provision of trees on residential lots in new developments.

Commissioner Tyner suggested that the rules be changed to accept audio and visual recordings of the Commission's meeting as official minutes of record for the meeting, for which Mr. Dumais commented that such modification, with the approval of the Commission, could be made to the Rules of Procedure. Commissioners Tyner and Goodman suggested that the rules also accommodate situations where the audio and video recording of the Commission's meetings would automatically become the minutes of record if written minutes were not made available within one month of the Commission meeting held.

Commissioner Goodman requested that the title, "Commission's Secretary," be clarified so that such role could be easily identified.

Commissioner Tyner commented that the rules should accommodate the provision of virtual meetings given the changes and accommodations in technology so that the Commission could hold meetings, if needed, outside of a live, in-person format.

Commissioner Goodman suggested that further clarity be given to the rule of when the Commission should hear an agenda item past 10:00 p.m. She noted that while not frequently occurring, the Commission has heard items after 10:00 p.m. in certain situations. Chair Pitman commented that perhaps some language should be provided to accommodate an applicant such as postponing an agenda item if it has not been heard by 10:00 p.m. She noted such language would provide transparency and show that the Commission would provide a good-faith effort in providing accommodations to hear all agenda items. Commissioner Tyner supported this change, noting that such rule change would aid in public hearings where there are many participants who would like to speak on an agenda item.

Commissioner Nuñez suggested that formulation of motions be simplified so that the current rules and practice of making motions isn't so onerous. Mr. Dumais and Mr. Wasilak noted that modifications could be made to simplify and assist Commissioners with making motions in the future.

Commissioner Goodman noted that the language "reasonable period," for putting review items on the Commission's agenda should be revised to provide more clarity on when such items will be reviewed by the Commission. Commissioners Goodman and Tyner also encouraged that staff give the Commissioners the full seven-day review period in order to adequately review the Commission's agenda packet. Mr. Wasilak commented that an upcoming change to the City's agenda system will hopefully improve providing more efficient packets to Commissioners.

Mr. Wasilak inquired of the Commissioners on how the process could be improved in instances where agenda items have to be postponed and how improvements may be made to staff reports and presentation which are brought forth to the Commission. Commissioner Goodman and Chair Pitman commented that a summary of the more technical reports could be provided so that the information could be easily interpreted by the Commissioners. Chair Pitman also requested that a consistent, thorough summary of community meetings be provided in the staff reports.

V. COMMISSION ITEMS

- A. **Staff Liaison Report** – Mr. Wasilak reported that the next Planning Commission meeting would be October 27. He indicated that no action items were currently scheduled for the meeting but that there would be further discussion on the implementation of the Comprehensive Plan. He noted that after the next meeting, there would be two additional meetings in the calendar year, one each in November and December. Mr. Wasilak also gave an update on the WMATA Rockville Metro Station study, noting that initial station design study meetings had been held and further presentations would be held for the public and Mayor and Council during this coming winter. Mr. Wasilak noted that a number of text amendments would be coming forth in the next couple of months and further noted the need for a comprehensive update of the City's Zoning Ordinance in order to implement the vision of the Comprehensive Plan.
- B. **Old Business** – Chair Pitman noted that in review of past meeting minutes, many Commissioners have voiced opposition to the provision of waivers to the requirement for trees on residential lots for proposed townhouse developments. She further inquired if the Commission would like to have a further discussion on a tree revision policy and potential future actions by the Commission on this issue. Commissioners Littlefield and Tyner noted the importance of this issue and welcomed further discussion on the topic.

Commissioner Littlefield inquired about exploring the use of townhouse garages and the standards and trends for their use for storage versus vehicle parking.

- C. **New Business** – None.

- D. **Minutes Approval**

Chair Pitman asked if there were any changes needed to the minutes of the Commission's September 22, 2021 meeting. Commissioner Tyner moved to approve the September 22, 2021 minutes. The motion was seconded by Commissioner Goodman. The motion carried unanimously 3-0, with Commissioner Littlefield abstaining, and Commissioners Pearson and Nuñez absent for the vote.

- E. FYI/Correspondence** – Mr. Wasilak noted the upcoming Maryland Planning Commission Associations annual conference beginning on October 25 and that all Commissioners were open and encouraged to attend.

VI. ADJOURN

There being no further business to come before the Planning Commission, Commissioner Tyner moved, seconded by Commissioner Goodman, that the meeting be adjourned at 9:10 p.m. The motion was approved unanimously.

Respectfully Submitted,



Commission Liaison