



City of
Rockville
Get Into It

Planning Commission Staff Report: Zoning Text Amendment TXT2012-00232

MEETING DATE: May 9, 2012

REPORT DATE: May 2, 2012

FROM: Deane Mellander, Zoning
Administrator
Planning and Zoning Division
240.314.8224
dmellander@rockvillemd.gov

APPLICATION DESCRIPTION: Amend Section 25.18.18 to allow
additional types of signs in the
Planned Development zones

APPLICANT: Federal Realty Investment Trust
1626 East Jefferson Street
Rockville, MD 20852

FILING DATE: November 3, 2011

RECOMMENDATION: Disapproval of the Proposed Text Amendment

EXECUTIVE SUMMARY: The proposed revision would amend the provisions for signs in the Planned Development zones to allow certain types of signs, such as off-premises signs and rooftop signs, that are not currently permitted by the Sign Ordinance (Article 18 of the Zoning Ordinance).

*Zoning Ordinance of
The City of Rockville
Adopted December 15, 2008
by Ordinance 19-08*

Being Chapter 25 of the Rockville City Code

Effective Date – March 16, 2009

As Amended to
June 6, 2011

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RECOMMENDATION

Disapproval of the proposed text amendment. The proposed amendment is not consistent with the overall policy for the regulation of signs as set forth in the ordinance.

Previous Related Actions

- Section 25.18.18 was added to the Zoning Ordinance by text amendment TXT2011-00230 in order to provide guidance in the processing of sign permit applications in the Planned Development zones. The current provision makes reference to the equivalent zones for development as set forth in Article 14.
- In accordance with the provisions of the approved Use Permit, the Mayor and Council approved sign plans for the proposed grocery store in the Town Square project on April 25 and August 15, 2011.

Proposal

The proposed text amendment would allow for the following signs in the Planned Development zones that were originally approved as Preliminary Development Plans under the prior zoning ordinance:

- One sign to extend above the rooftop of one building, not to exceed 15 percent of the building height.
- Allow one off-premises sign per block, limited to 35 square feet of sign area and up to 25 feet in height.
- Allow up to 18 off-premises signs limited to 4 square feet in sign area and up to 10 feet in height, to be installed on existing light poles located on lots within the original PDP area.
- Allow one free-standing off-premises monument sign with up to 200 square feet of sign area and not to exceed 40 feet in height. The sign is only allowed on an adjoining property that is also subject to a preliminary development plan.

PROJECT ANALYSIS

This text amendment was initially filed by Federal Realty Investment Trust on November 3, 2011 for the purpose of allowing signs in the Town Square that are not currently allowed by the code. The applicants originally proposed to amend the provisions for Planned Development zones in Article 14. After reviewing the initial proposal, the staff informed the applicant that the text amendment as submitted could not be considered for approval because the language amended the wrong article of the ordinance, and was so broad in potential application that it undermined the intent of the balance of the sign provisions contained in Article 18.

The staff met with representatives of the applicant to further detail our concerns. The result of these meetings has been a substantial revision in their proposal. The revised version proposes

to amend Article 18, which is the sign ordinance. In addition, the scope of the amendment has been narrowed so as not be broadly applicable.

As revised, the provision only applies to Planned Developments where the land was either owned by the City or purchased from the City and where the Preliminary Development Plan (PDP) was approved after January 1, 2000. Only two PDP's have involved City property. One is the Rockville Center project, which was approved in 1994, and the Town Square project, approved in August, 2003. As written, the proposed language makes the Rockville Center project ineligible. This is intended so as to narrow the applicable scope of the language only to the Town Square project. The large monument sign proposed in the text can only be placed on a property subject to a PDP that directly abuts a site that included City-owned land. Only the Rockville Metro Center, for which a PDP was approved in 2005, meets that criterion.

The proposed language would allow one rooftop sign on one building within the project, extending above the roof by up to 15% of the building height. The heights of buildings within the Town Square range between 65 and 75 feet. The sign could therefore extend to between 9.75 feet and 11.25 feet above the roof of the building, depending on the specific building height.

The proposal also would allow for one off-premises sign per record lot within the project, with a sign area of 35 square feet (double-sided) and a height of 25 feet. This is intended to accommodate the applicant's desire for additional signs for the forthcoming grocery store not located on the same lot as the store. There are four record lots within the Town Square project. The sign area proposed would be allowed under the current code, but the height exceeds the 20 foot maximum height now allowed. Currently, off-premises signs are also prohibited. The signs that could be erected under this proposal would be consistent with other freestanding signs already approved a by the Mayor and Council in 2011 and located on the same lot as the grocery store

The second provision for freestanding signs would allow up to 18 off-premises signs limited to 4 square feet of sign area (double-sided) with a height of 10 feet. These signs are proposed to be located on light poles within the Town Square project to advertise tenants as well as the project. All of the sidewalk areas in the Town Square, with the exception of the Hungerford Drive frontage, are privately owned so the light posts in those areas are not in the public right-of-way.

The final provision proposed is to allow for a large off-premises monument sign up to 40 feet tall. The applicant proposes to erect a sculptural art feature which will include up to 200 square feet of sign area (which may be double-sided) at the corner of East Middle Lane and Hungerford Drive. The property where the sign is to be located must also have been the subject of a PDP approved after January 1, 2000 and abut the subject PDP. The Rockville Metro Center PDP was approved by the Mayor and Council in March, 2005.

In discussions with the applicants, the staff has continued to point out our concern with the proposed changes. Since the intent of the applicants is to have these provisions apply to the Town Square project, our discussions have primarily focused on narrowing the applicability of the proposal should the text amendment be approved.

The staff is recommending disapproval of this text amendment since it is not consistent with the overall policy for signs in the City as expressed in Article 18. The City sign provisions are purposely strict in order to maintain the visual character of the city and minimize clutter and distractions. To that end the ordinance prohibits rooftop signs and off-premises signs (which includes billboards). The original submittal by the applicant amending Article 14 could have resulted in a proliferation of these types of signs throughout the city since it applied to all of the PD zones. As revised, the text does limit these types of signs only to the Town Square project and, in the case of the large monument sign, to the adjoining Metro Center project. The revised text is a significant improvement over the initial proposal. It is the duty of the applicant to make their case for why these modifications are necessary and acceptable revisions to the zoning ordinance.

The public hearing before the Mayor and Council is tentatively scheduled for June 11, 2012.

ATTACHMENTS

- 1. Text Amendment Application & Applicant Letter**
- 2. Sign Samples from Applicant**

TXT
2/09



Application for

Text Amendment

City of Rockville

Department of Community Planning and Development Services

111 Maryland Avenue, Rockville, Maryland 20850

Phone: 240-314-8200 • Fax: 240-314-8210 • E-mail: Cpds@rockvillemd.gov • Web site: www.rockvillemd.gov

Application Information:

Is this an Amendment to Existing Text ? YES NO

Add New Zone Classes: YES NO Add New Uses: YES NO

Number of new uses: _____ Ordinance # _____

Please Print Clearly or Type

Property Address information Rockville Town Square

Project Description Rockville Town Square development located in PD-TS Zone and bounded by Beall Avenue to the north, North Washington Street to the west, Middle Lane to the south, and MD 355 (Rockville Pike/Hungerford Drive) to the east

Applicant Information:

Please supply Name, Address, Phone Number and E-mail Address

Applicant Robin McBride, Federal Realty Investment Trust, 1626 East Jefferson Street, Rockville, MD 20852, 301-988-8332, rmcbride@federalrealty.com

Property Owner Street Retail, Inc., c/o Federal Realty Investment Trust, 1626 East Jefferson Street, Rockville, MD 20852, 301-988-8332, rmcbride@federalrealty.com

Architect _____

Engineer _____

Attorney Barbara A. Sears, Linowes and Blocher LLP, 7200 Wisconsin Avenue, Suite 800, Bethesda, MD 20814, 301-961-5157, bsears@linowes-law.com

STAFF USE ONLY

Application Acceptance:

Application # _____

Date Accepted _____

Staff Contact _____

OR

Application Intake:

Date Received _____

Reviewed by _____

Date of Checklist Review _____

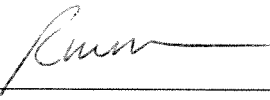
Deemed Complete: Yes No

Application is hereby made with the Rockville Mayor and Council for Approval of a change in the text of the Zoning and Planning Ordinance of Rockville, Maryland.

Page 16-17 Article 14(Special Zones) Section 25.14.31, 25.14.33 , 25.14.29

FROM: Which reads as follows See attached letter

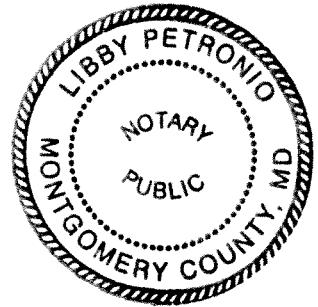
TO: Reads as follows See attached letter

By: 
(Signature of Applicant)

Subscribed and sworn before this 8th day of September, 20 11

My Commission Expires 1/22/15
Notary Public

LIBBY PETRONIO
NOTARY PUBLIC STATE OF MARYLAND
COUNTY OF MONTGOMERY
My Commission Expires January 22, 2015



The following documents are furnished as part of the application:

- A Complete Application
- Filing Fee

Comments on Submittal: (For Staff Use Only)

April 25, 2012

ATTACHMENT TO APPLICATION
TO THE CITY OF ROCKVILLE FOR A
TEXT AMENDMENT TO THE ZONING ORDINANCE

Applicant: Federal Realty Investment Trust

The applicant proposes to amend the zoning ordinance adopted on December 15, 2008, and with an effective date of March 16, 2009, by inserting and replacing the following text (underlining indicates text to be added; [brackets] indicate text to be deleted; * * * indicates text not affected by the proposed amendment). Further amendments may be made following citizen input, Planning Commission review and Mayor and Council review.

Amend Article 18, "Signs," by amending Section 25.18.18 of Chapter 25, "Zoning" as follows:

25.18.18 – Signs in Planned Development Zones

Except as otherwise provided in this Article, [S]signs in any of the Planned Development zones as set forth in Article 14 will be regulated based on the applicable designated equivalent zones described in each planned development.

- a. Specific Regulations for Signs in Planned Development Zones where the project was originally approved as a Preliminary Development Plan after January 1, 2000 and included land either owned by the City or purchased from the City:
 1. Notwithstanding the provisions of Article 18, the following is specifically permitted:
 - (a) One (1) sign extending above the roof of one building within a project covered by a preliminary development plan, not to exceed 15 percent of the building height.
 - (b) Freestanding Signs.
 - i. One (1) off-premises sign per record lot limited to 35 square feet of sign area and 25 feet in height.
 - ii. Eighteen (18) off-premises signs limited to four (4) square feet of sign area and ten (10) feet in height installed on existing light posts located on lots covered by and subject to a preliminary development plan.
 - iii. One (1) off-premises monument sign for way-finding located on a property that abuts the property of the Applicant and limited to 200 square feet of sign area and 40 feet in height. The abutting property must also be subject to a preliminary development plan approved after January 1, 2000. The

preliminary development plan for the property on which the sign is located must permit placement of the sign and is not subject to the land ownership provisions of subsection a above.

LINOWES
AND BLOCHER LLP
ATTORNEYS AT LAW

November 3, 2011

RECEIVED
NOV 07 2011
Barbara A. Sears COMMUNITY PLANNING
bsears@linowes-law.com AND DEVELOPMENT SERVICES
301.961.5157

By Hand

Mr. Scott Ullery
City Manager
City of Rockville
111 Maryland Avenue, 2nd Floor
Rockville, Maryland 20850

RCUD NOV3 2011 PM4:17

Re: Proposed Zoning Text Amendment to the PD-RCI, PD-TS, and PD-MC Zones – Federal Realty Investment Trust

Dear Mr. Ullery:

Our client, Federal Realty Investment Trust, files this Application for Zoning Text Amendment (the “Application” or “Text Amendment”) to modify the provisions regulating the PD-RCI (Rockville Center, Inc.), PD-TS (Town Square), and PD-MC (Metro Center) Zones, which are respectively located at Sections 25.14.29, 25.14.31, and 25.14.33 of Chapter 25 of the Rockville City Code (the “Zoning Ordinance”). This Application proposes to amend the regulations affecting signage in the PD-RCI, PD-TS, and PD-MC Zones to permit the placement of certain signs currently prohibited under existing signage regulations applicable to Rockville Town Square, the Rockville Metro Plaza property and the County owned building located at 255 Rockville Pike.

The purpose of this Application is to increase the visibility of Rockville Town Square to those using the surrounding major arterial roadways, create interest in and excitement for Rockville Town Square’s services, and improve wayfinding both within and outside the Rockville Town Square project. Due to the location of Rockville Town Square in relation to its surroundings and the existing signage restrictions, a large segment of the public traveling through Rockville on Hungerford Drive (MD 355) and North Washington Street may be unfamiliar with and unaware of its diverse offerings and tenants. Additionally, those residents familiar with the general location of Rockville Town Center would benefit from better signage to improve access to the many offerings available in Rockville Town Square. Therefore, we believe that the enhanced signage allowed by the Text Amendment would improve Rockville Town Square’s connection to its environs and increase awareness of the project. In summary, the modifications requested by the Application would enhance the public’s activity, pique interest in the tenants and uses of Rockville Town Square, and facilitate the economic vibrancy of the Rockville Town Square project.

**L&B 1606676v1/07089.0075

Mr. Scott Ullery
November 3, 2011
Page 2

The Application addresses the needs outlined above by allowing signage in the PD-RCI, PD-TS, and PD-MC Zones appropriate in scale for a large mixed-use development such as Rockville Town Square. This includes off-premises signs and signs extending above the roofs of buildings exceeding one percent of the building height, both of which are prohibited under current signage regulations. Additionally, the Application also amends the applicable number, height, and area restrictions for freestanding signs. Accordingly, we have attached as Exhibit "A" the proposed form of the Zoning Text Amendment to accomplish these goals.

Thank you for your attention to this matter. Should you have any questions, please feel free to contact me.

Very truly yours,

LINOWES AND BLOCHER LLP


Barbara A. Sears

Attachment

cc: Jim Wasilak
Deane Mellander
Marcy Waxman
Robin McBride
Rick Cataffa
Phillip Hummel, Esq.

Attachment 2 - Sign Examples

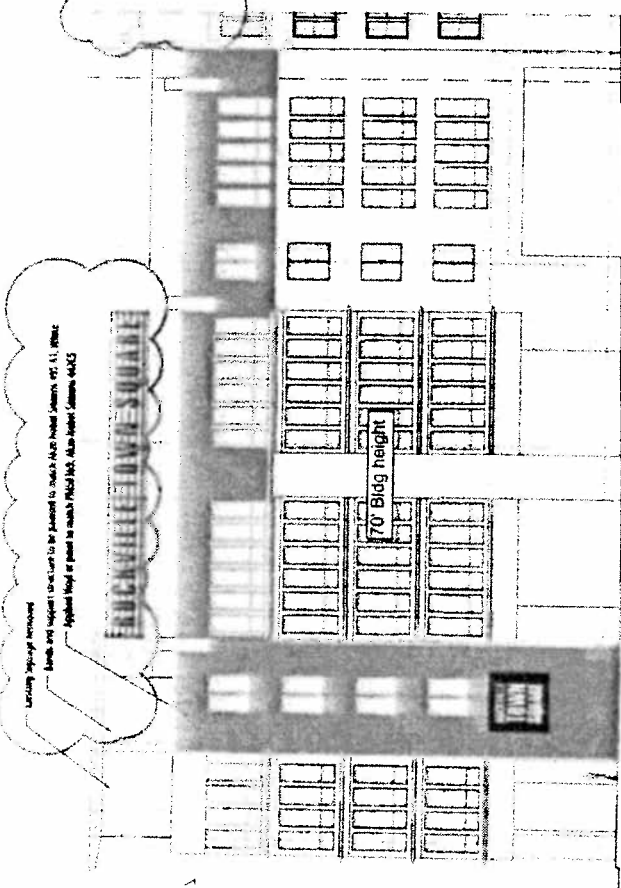
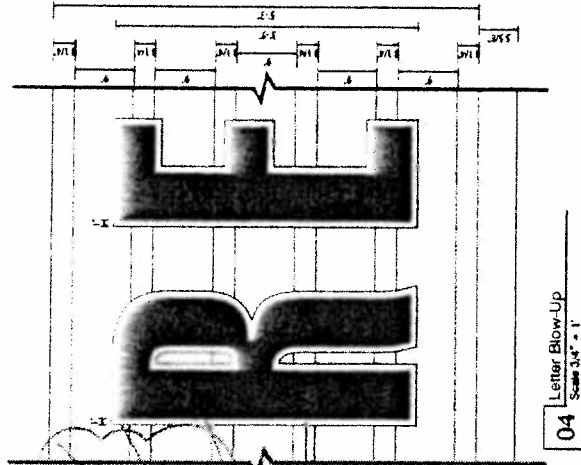


August 25, 2011

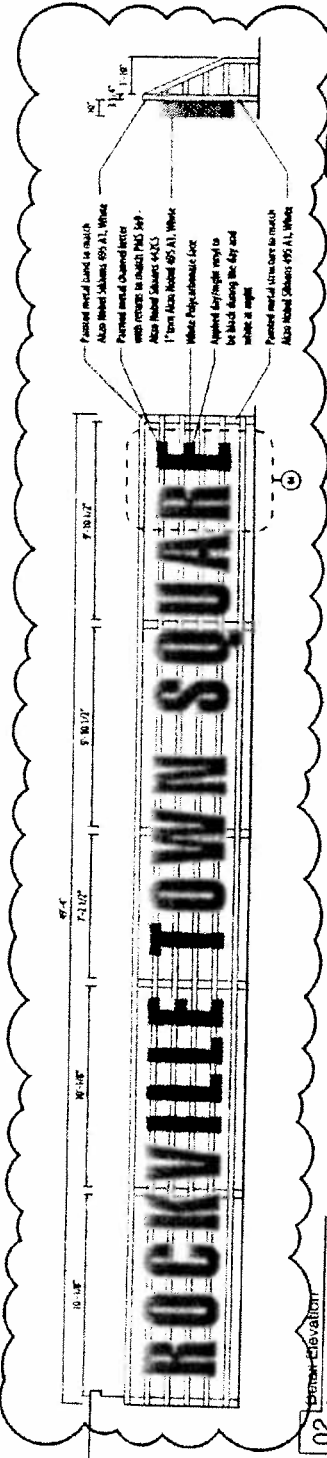
REVISIONS

Rooftop
Identity

10.01



Rooftop Sign



SHEET S-13

Identification Signs

Sign: Identity Sign (E. Middle Lane)

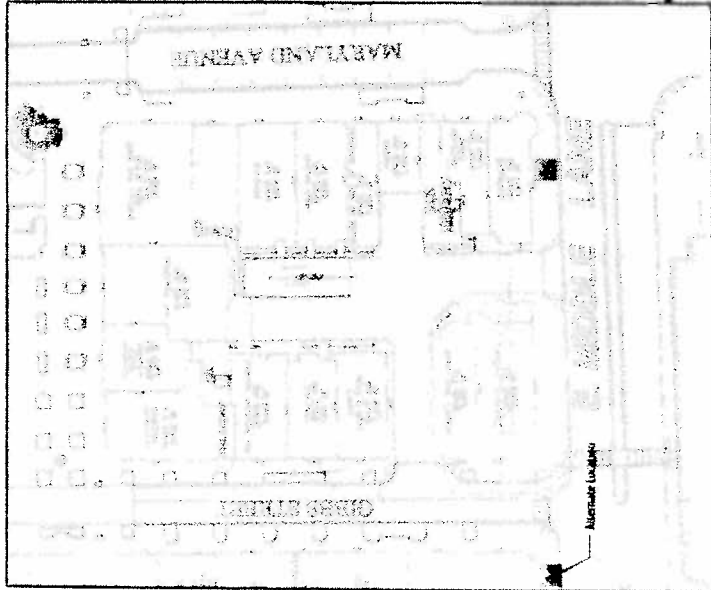
Sign Dimensions: 12'-0" x 2'-10" (36 sq. ft. per side)

Description: Internally illuminated channel letters with vinyl overlaid acrylic faces to be mount on painted metal sign cabinet. The inset white bands are to be internally illuminated

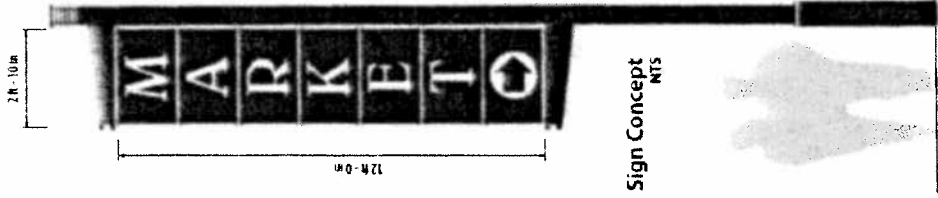
Quantity: 1

Note: Proposed sign dimensions subject to final tenant design.

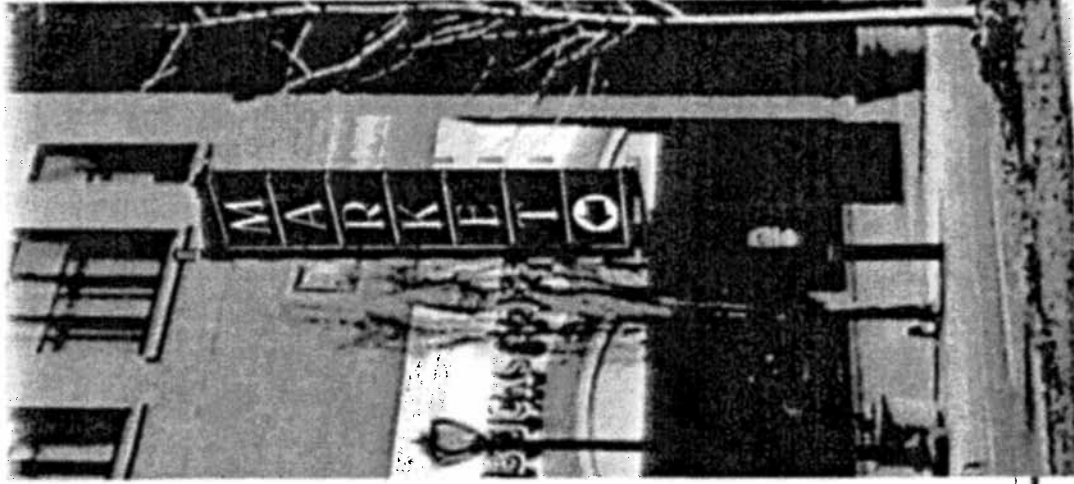
Square footage not to exceed 36 sq. ft. per side



Location Plan

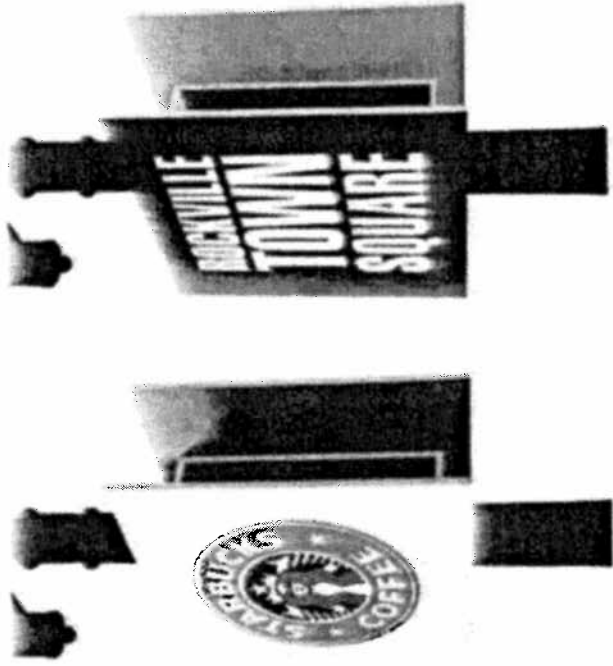
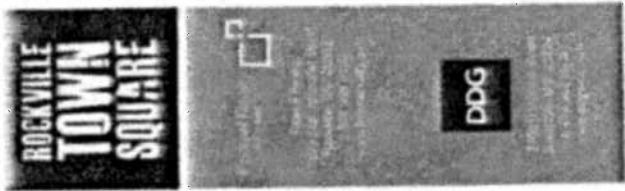


Sign Concept
N/S



Reference Image

Free-Standing Signs



AMSKT 26, 2011

REVISIONS

Post Mounted
ID Panels

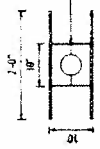
10.08

04 Rendering
NTS

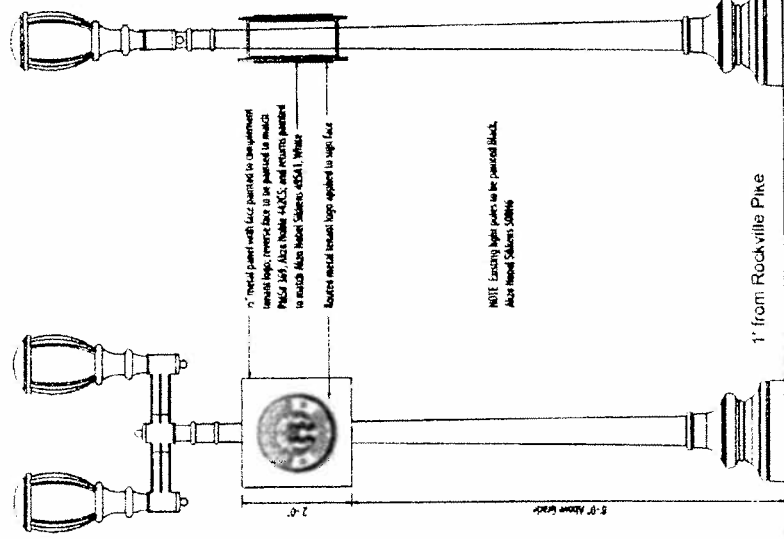
Note:
Graphics illustrate all projections between R15 legs and square identity. Owner to provide actual artwork. Sign is mounted to existing light post. Mounting hardware to be worked in field.

1" thick metal mounting collar with top, bottom, and interior face painted to match Alcoa Metal Signers 50896. Black, exterior painted to match Alcoa Metal Signers 45541. White.

Note:
Tapered joint assembly to be worked in field.

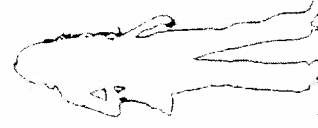


01 Plumb View
Scale: 1/2" = 1'



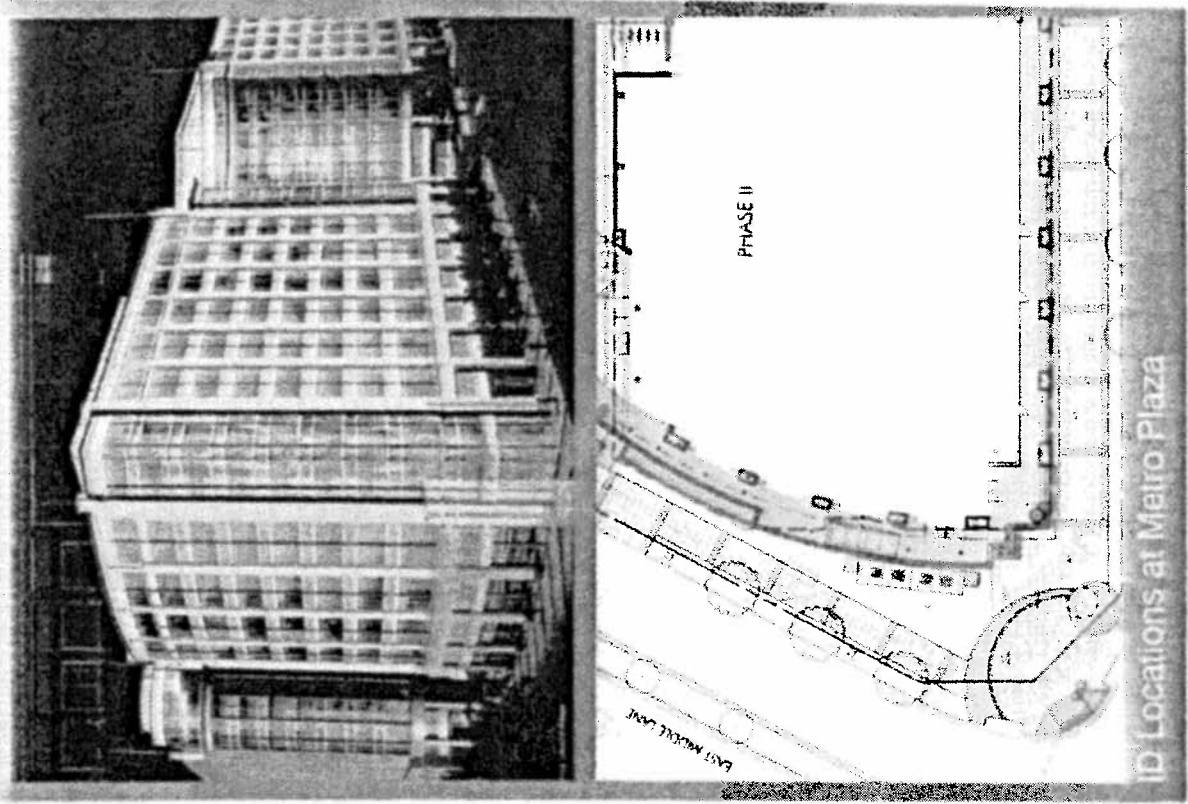
Note: Existing light poles to be painted black. Alcoa Metal Signers 50896

03 Side Elevation
Scale: 1/2" = 1'

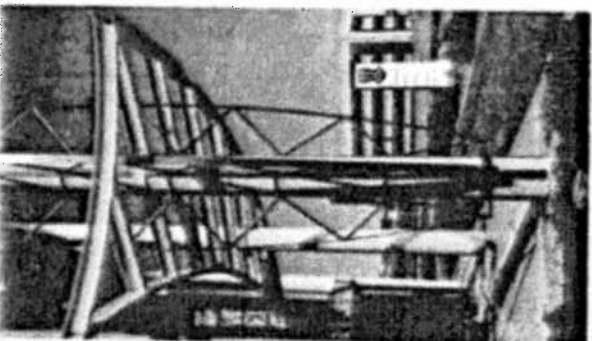
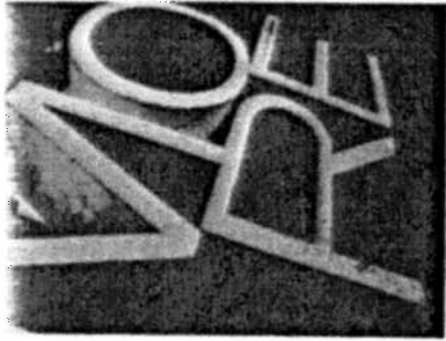
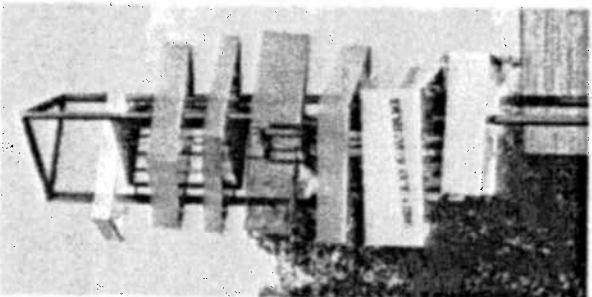
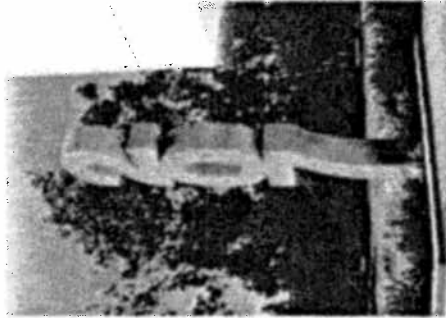


02 Context Elevation
Scale: 1/2" = 1'

Light Post Signs



Sculptural/Pylon Identity **10.04**



Monument Sign Concepts