



City of Rockville

MEMORANDUM

December 12, 2014

TO: Mayor and Council

FROM: Planning Commission

SUBJECT: Planning Commission Recommendation on Zoning Text Amendment Application
TXT2015-00239

At its meeting on December 10, 2014 the Planning Commission reviewed and discussed Text Amendment Application TXT2015-00239, to insert self-storage warehouse in the land use tables as a conditional use in the I-L, I-H, MXE and MXB zones, the proposed condition being that the use is prohibited within 250 feet of a public school site. The proposed amendment would also amend the definitions for Service Industrial and Warehousing. The Commission received a presentation from Planning and Zoning Division staff and testimony from interested parties, including three representatives of an affected property owner and one resident who lives nearby.

Following the testimony, the Commission discussed the merits of the proposed amendment. Commissioner Tyner believes that this is flat-out spot zoning and cannot support it. Commissioner Hill is troubled by what appears to be an arbitrary distance limit. There needs to be an examination of all of the other uses allowed in the zone and their potential impact.

Commissioner Littlefield noted that it was hard to separate the text amendment consideration from the site plan that was recently before them. He also notes that approval of the text amendment could have a negative impact on the business community's perception of the City, and that this should be weighed alongside the positive impacts of the proposed amendment.. If passed, it is his opinion that the separation distance ought to be 500 feet rather than 250 feet and that other aspects should be considered, such as: 1) proximity to residential property as well as schools (referring to a condition currently placed on lumberyards), and 2) the lack of similar conditions placed on other permitted uses (liquor stores, etc.) in these zones.

Commissioner Goodman believes that this is a targeted amendment and that the City needs to look at a broader context, and not just focus on one use. A larger study is needed. Commissioner Leiderman concurs that the Planning Commission has a responsibility to look at the larger picture and not just pick one use. This is not in keeping with a measured approach.

There has been no data or study to address any of the safety issues that have been raised, and the City cannot proceed to regulate without the supporting data.

Commissioner Hadley notes that this is a single purpose amendment. The language and the proposed distance are both arbitrary. This is a case of trying to enact a change that has no relation to the comprehensive plan. We should not pass ordinances or regulations that are inconsistent with the Master Plan.

Therefore Commissioner Hill, seconded by Commissioner Tyner, moved to recommend that the text amendment be rejected for the following reasons:

- This is a targeted zoning action;
- There has been an inadequate process in generating the proposed amendment; and
- The arbitrary nature of the 250 foot separation and isolation of this one particular use.

Having been moved and seconded, and with Commissioners Hill, Tyner, Goodman, Leiderman, and Hadley voting in favor of the motion, and with Commissioner Littlefield voting against the motion, and with Commissioner Trahan absent, the Commission recommends that Text Amendment TXT2015-00239 not be approved.