



City of  
**Rockville**  
Get Into It

## Planning Commission Staff Report: Zoning Text Amendment TXT2013-00235

**MEETING DATE:** December 12, 2012

**REPORT DATE:** December 5, 2012

**FROM:** Deane Mellander, Zoning  
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Planning and Zoning Division  
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**APPLICATION DESCRIPTION:** Amend the provisions for site plan review for projects within the Town Center Performance District

**APPLICANT:** Mayor and Council of Rockville

**FILING DATE:** November 7, 2012

**RECOMMENDATION:** Approval of the Proposed Text Amendment

**EXECUTIVE SUMMARY:** The proposed revision will require all new development project applications within the Town Center Performance District to be subject to at least a Level 2 site plan review. In addition, the proposed text amendment would require all Level 2 Site Plan and Project Plan applications to have notice provided to all civic associations and homeowner's associations throughout the city.

*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**

Approval of the proposed text amendment.

### **Previous Related Actions**

- The site plan review process was instituted with the adoption of the comprehensive revisions to the Zoning Ordinance in December, 2008 (effective March 16, 2009).
- The current provisions for the site plan levels of review were amended by text amendment TXT2011-00230 to revise the point levels for site plan review and eliminate the Level 3 site plan review.

### **Proposal**

The text amendment is primarily intended to increase the level of review for any new development projects within the Town Center Performance District. This District was established as a result of the adoption of the Town Center Master Plan in 2001. The District is identified on the City Zoning Map (see attachment X).

## **PROJECT ANALYSIS**

The Mayor and Council had expressed concern that under the current site plan review process, small projects within the Town Center Performance District that earned up to six points from the calculation table in Section 25.07.02.b only qualified for Level 1 (Chief of Planning) review. Given the importance of the Town Center to the City's future development, the Mayor and Council directed the staff to prepare a text amendment to modify the review process. The Mayor and Council authorized the filing of this text amendment on November 5, 2012.

By way of background, the Town Center Master Plan was adopted by the Mayor and Council in October, 2001. The plan included a recommendation for an Urban Design Overlay District to establish standards and guidelines for developments within the district. In connection with the overlay district, the plan recommended revisions to the Town Center zones to further implement the plan recommendations.

On October 17, 2005 the Mayor and Council adopted zoning text amendment TXT2004-00215, which established four new Town Center zones: TC-1, TC-2, TC-3 and TC-4. In addition, on the same date the Mayor and Council also adopted Sectional Map Amendment MAP2004-00091 to implement the application of the new zones on the zoning map. As a part of the adoption, the Mayor and Council also established the Town Center Performance District boundaries on the zoning map. The Performance District boundaries were modified slightly from the overlay district boundaries as shown in the master plan as a result of further refinement of where the boundary should be drawn.

In December, 2008 the Mayor and Council adopted the comprehensive revisions to the Zoning Ordinance, with an effective date of March 16, 2009. The revisions included the elimination of

the Town Center zones, to be replaced either by one of the new mixed-use zones or by a Planned Development zone in the case of projects approved under one of the optional development procedures available in the previous ordinance.

The revised ordinance also established several levels of review for site plan applications, based on the impact of the project and its proximity to single-unit detached residential development. A matrix table is used to generate the points earned for a project. Up to six points (Level 1) is currently a staff-level review with action by the Chief of Planning. Level 2 projects (7 to 15 points) are reviewed and acted upon by the Planning Commission. Projects that generate 16 or more points are Project Plans that must be reviewed and acted upon by the Mayor and Council.

The proposed text amendment includes several technical clarification revisions as well as revisions to the site plan review process. The technical revisions are summarized as follows:

1. At the top of the columns in the table, the word point or points is added.
2. In the 1 Point column and Residential Area Impact row, the wording is changed to be consistent with the same wording in the other block of the row.
3. At the bottom of the table, the words "Points Total" is revised to say "Review Level Calculation" and the point values for the various levels are included.
4. The block at the lower right corner of the table is revised to delete the words "The total of the points determine the level of notification" and add "Cumulative point total". The notification areas based on the point totals are set forth in the following section.
5. Subsection 2 following the table is amended to clarify that where an amendment to a project does not qualify as a modification under Section 25.05.07, the point total is calculated only on the net additional development.

The substantive revisions to the site plan review process begin with the addition of a new subsection 3 below the points table. The language in this new subsection requires any site plan application within the Town Center Performance District to be reviewed by the Approving Authority shown regardless of the point total. The Planning Commission will review projects with 1 to 15 points under the Level 2 site plan process. The Mayor and Council would review projects with 16 or more points under the Project Plan review process. Major amendments to existing development would be reviewed by the original Approving Authority, and the Chief of Planning would continue to be the Approving Authority for minor site plan amendments.

Subsection c, "Site Plan Level of Review", item 1 is amended to cross-reference the preceding language for Level 1 reviews that require review by the Approving Authority.

Under Section 25.07.03, "Notice Required; Procedure", a new subsection b has been added that requires that for any Level 2 site plan or Project Plan application in the City, notice of the application must be sent electronically to all of the civic associations and homeowner's associations within the city. This is in addition to the standard first class mail notice that is required within the designated impact area. The Mayor and Council felt that the various civic

associations in the city should be apprised of any significant development applications even if there may seem to be no direct impact on their area.

The staff can support the proposed text amendment since it does not significantly alter the current review process. The Town Center is an area that is critical to the city's ultimate development and the character of the development is an important factor as set forth in the Town Center Master Plan. The practical effect of this text amendment will be some added process time for projects within the Performance District that would otherwise qualify under the Level 1 staff review. However, it is expected that most projects in the Town Center Performance District will come in as at least a Level 2 site plan, which is already in place. The staff has added the technical clarifications to aid in making the points computation more user friendly.

There are currently two site plan applications within the Town Center Performance District. STP2013-00135 proposes to construct a new bank building on the site of the former Texaco gas station at 369 Hungerford Drive. STP2013-00145 proposes to construct a new commercial building on a portion of the former Giant grocery store site on North Washington Street. Under the current process, both of these projects qualify as Level 1 site plans with Chief of Planning approval. It is expected that both projects will receive final action prior to the adoption of the proposed text amendment. Should one or both projects not obtain final action, the adoption ordinance can be worded to allow pending projects to continue to proceed under the current process.

The proposal to include all of the civic groups in the notice provisions is intended to increase the citizens' awareness of development projects that are proposed throughout the city. This is a supplement to the required notice by first class mail that must already be provided to property owners and civic associations within the impact radius specified for each review level. The proposed language specifies that the notice be provided electronically. The intent is to utilize the City's neighborhood association listserv to provide this notice. It does need to be understood that the neighborhood associations are responsible for giving the City up-to-date contact information. If updates are not provided, then the notice may not be delivered to the correct party. This would be true either electronically or by mail.

The public hearing before the Mayor and Council is tentatively scheduled for January 14, 2013.

## **ATTACHMENTS**

- 1. Text Amendment Application**
- 2. Town Center Performance District Map**



Application for **Text Amendment**

**TXT**  
2/09

**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 N/A

Project Description Amend the Site Plan Review process for properties in the Town Center Performance District

**Applicant Information:**

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

Applicant Mayor and Council of Rockville

Property Owner N/A

Architect N/A

Engineer N/A

Attorney N/A

**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 \_\_\_\_\_ Article 7 \_\_\_\_\_ Section 25.07.02 and 25.07.03

**FROM:** Which reads as follows See Attachment \_\_\_\_\_  
\_\_\_\_\_

**TO:** Reads as follows See Attachment \_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
(Signature of Applicant)

Subscribed and sworn before this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

My Commission Expires \_\_\_\_\_  
Notary Public

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**The following documents are furnished as part of the application:**

- A Complete Application
- Filing Fee

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**Comments on Submittal: (For Staff Use Only)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

November 1, 2012

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

Applicant: Mayor and Council of the City of Rockville

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 7, “Procedures for Site Plans and Project Plans, Special Exceptions and Other Permits” by making the following amendments:

**25.07.02 – Application Procedures for Site Plans, Project Plans, and Special Exceptions**

\* \* \*

b. *Application Procedure, in General* –

1. The level of review for each application is based on a point system, provided in the chart below. Each application must be evaluated on the acreage of the site, the number of dwelling units proposed, the square footage of non-residential space, the residential impact area, and the traffic impact of development proposed. Each of these items is allocated a number of points which are added together to determine the complete point valuation for the project.



<b>Points</b> <b>Elements</b>	<b>1 point<sup>1</sup></b>	<b>2 points</b>	<b>3 points</b>	<b>4 points</b>	<b>Points</b>
Tract size – Acres	1 or fewer	1.1 to 2.5	2.6 to 5	5.1 or greater	—
Dwelling Units	1 to 5	6 to 50	51 to 150	151 or greater	—
Square Footage of Non-Residential Space	5,000 or fewer square feet	5,001 to 25,000 square feet	25,001 to 100,000 square feet	100,001 or greater square feet	—
Residential Area Impact	Up to 10% [residential development in a single dwelling unit residential zone within ¼ mile of the project] <u>of area within ¼ mile of the project area is comprised of single-unit detached residential units</u>	Up to 50% of area within ¼ mile of the project area is comprised of single-unit detached residential units	Up to 75% of area within ¼ mile of the project area is comprised of single-unit detached residential units	Development is within single-unit detached unit area.	—
Traffic Impact – Net new peak hour trips	Fewer than 30 trips	30 – 74 trips	75 – 149 trips	150 or more trips	—
[Points Total] Review Level Calculation:  <u>Level 1 = Up to 6 points</u> <u>Level 2 = 7 -15 points</u> <u>Project Plan = 16 or more points</u>					[The total of the points determine the level of notification.] <u>Cumulative point total</u>  —

<sup>1</sup>In calculating the level of review, where no dwelling units, no non-residential square footage or no increase in peak hour trips are proposed, and where there is no single unit residential development within ¼ mile no points are assigned to those categories.

2. In cases where a modification to an existing development is proposed that does not qualify as a minor or major amendment under the provisions of Section 25.05.07, the point total is calculated only on the net additional [to the] development.
3. For any property within the Town Center Performance District any development application that totals between one (1) and 15 points will be acted upon by the Approving Authority under the Level 2 site plan process. In the case of an amendment to existing approved development, the original Approving Authority will act under Section 25.05.07. The Mayor and Council is the Approving Authority for any project that totals 16 or more points under the project plan review process.

c. *Site Plan Level of Review*

1. *Level One (1) – Site Plan Review*: Except as set forth in Section 25.07.02.b.3 above, [I] if the elements of the proposed project total six (6) points or fewer, as determined by 25.07.02.b above, the Chief of Planning will complete the site plan review in accordance with Sections 25.07.01.a.3 and 25.07.03.

\* \* \*

**25.07.03. Notice Required; Procedure**

The applicant for any site plan, Project Plan or special exception approval must provide notice of all area meetings and public meetings and public hearings of Approving Authorities (including continuance of a public hearing) relating to the subject application in accordance with the provisions of Section 25.05.03.c, and with the following:

- a. Notice must be mailed at least 2 weeks prior to the meeting to all property owners, residents, civic associations and homeowner’s associations within the specified distance for each type of review as follows:
  1. Level 1 Site Plan – 750 feet.
  2. Level 2 Site Plan – 1,250 feet.
  3. Project Plan – 1,500 feet.
  4. Special Exception - As specified in Section 25.07.08.b.
- b. In addition to the notice required above, for all Level 2 and Project Plan applications electronic notice must be sent to all homeowner’s associations and civic associations within the City.
- c. Sign – a sign must be posted in accordance with the provisions of Section 25.05.03.d.

