



City of Rockville

MEMORANDUM

October 6, 2008

TO: Mayor and Council

FROM: Planning Commission - Members Present: Commissioners Weiner, Hill, Ostell, Pakulniewicz-Chidiac, and Tyner

SUBJECT: Map Amendment Application MAP2008-000104, Mayor and Council of Rockville – for the creation of a Rockville heights historic district

The Planning Commission considered this application at its July 2, 2008 meeting. The application is a sectional Map Amendment to apply a historic district overlay zone to certain properties along Fleet Street and Maryland Avenue in Block 2 of the Rockville Heights subdivision. This written recommendation is submitted to provide amplifying detail to the Commission's recommendation for this application.

Cindy Kebba presented the staff report and HDC recommendation. Following the presentation and questions, the Planning Commission discussed the following issues: concerns with the location of the HDC-recommended historic district boundary; the physical condition and value of the three garages associated with the properties; rehabilitation of the five houses; whether there is a rationale for celebrating the Rockville Heights subdivision which was not built; and whether or not 150 Maryland Avenue participates in the historic streetscape.

Representatives of the property owner, Montgomery County, and the senior housing developer, Victory Housing, Inc. (VHI), discussed their rationale for truncating the historic district boundary line to include the five houses but exclude the garages and much of the rear yards. Jody Kline, of Miller, Miller & Canby and representing the developer, pointed out that the deeded lots are not consistent with the original Rockville Heights subdivision plat and that the Maryland Historical Trust had concluded in 2000 that these properties did not meet the test for National Register eligibility. Commissioners Ostell and Pakulniewicz-Chidiac questioned Mr. Kline about the feasibility and costs of moving the garages, the description of the VHI development, and tree preservation.

Jim Brown, President of VHI, presented a description of the Victory Housing development and noted that they have had to consider many factors when siting the project on this block in addition to preserving the historic buildings, including the concerns of neighbors, the desire to save trees, and the need to provide a reasonable number of rental units for the low- and moderate-income seniors who would be living in the proposed development. He said they were willing to preserve the houses but wanted compromise on the garages. He said that they had not researched the feasibility or costs of moving the garages.

In response to a question from Commissioner Pakulniewicz-Chidiac regarding green building materials, Mr. Brown replied that VHI is a pioneer in that area and that this would be comparable to a LEED program.

In response to Commissioner Tyner's question about the slope from the VHI development to the townhouses behind it, Mr. Brown replied that the VHI building would be three stories in height and would be built into the hill. He said that the visual distance between the rear of the townhouses and the proposed structure is approximately 100 feet.

Commissioner Hill asked Mr. Brown if VHI would have more options that might be a better arrangement for the site if they did not have to work around the 150 Maryland Avenue property. Mr. Brown said that they had been trying to keep all five houses, given the HDC recommendation for historic designation, so they had not had the opportunity to study other options but would like to if that were a possibility. He said he understood that the Fire Marshal would want to keep the parking lot between 150 Maryland Avenue and 101 Fleet Street open for emergency access.

Commissioner Weiner asked how the historic houses would be used if preserved. Mr. Brown said they would likely remain in county ownership but that they have not looked into possible uses.

Commissioner Hill asked Mr. Kline about the merits of saving the garages, from a planning perspective. Mr. Kline replied that it was his opinion that the City should remove all of the houses and bring the VHI development up to the street to allow it to be part of the urban fabric. However, the County and VHI have been willing to move the development back behind the houses and try to preserve the streetscape that had been there for many years. Commissioner Hill clarified Mr. Kline's position that VHI would have more potential to use this site but is constrained by historic designation and Mr. Kline agreed.

Alisa Wilson, representing Montgomery County Housing and Community Affairs, responded to Commissioner Weiner's question about the reuse of the houses. She said that the County currently has no plans to bring the houses back to their original appearances and that uses for them had not been considered. She said two of the houses are occupied and the other three are vacant.

The Commission expressed concern that the majority of the houses are not being used and that the County has no plans for rehabilitation. Members of the Commission asked about the possible uses and restrictions. Commissioner Pakulniewicz-Chidiac expressed disappointment that the houses have not been maintained properly. Commissioner Weiner said she hoped that the houses would be better maintained in the future and more attention given to their landscaping.

Commissioner Pakulniewicz-Chidiac asked about income requirements for the VHI development and how the public would be notified of their availability.

One citizen, Paul Goldsmith of Lynn Manor Drive, spoke. He said that he had attended meetings with Victory Housing about their proposed project and he said that most of the residents in his Courthouse Walk neighborhood seem to support the project. He said that the developer has discussed a tree buffer to reduce the visual impact of the development on the abutting townhouses. He asked what would prevent the County from building multi-level structures along Fleet Street if the houses were removed. Jim Wasilak responded that the MXT zone proposed for this block allows more flexibility than the current R90 zone. Although the County is not subject to the City's zoning ordinance, the two jurisdictions maintain a good working relationship and would be working with the City's development review process. In response to a question from the Commission, Mr. Goldsmith further indicated his preference for preserving green space on the property versus preserving 150 Maryland Avenue.

Commissioner Hill proposed not including 150 Maryland Avenue in the Commission's recommendation to the Mayor and Council. He suggested locating the historic district boundary where a developer could make better use of the site. He believes that a stronger historic district is created by putting the emphasis on the Fleet Street frontage, and by making a viable use for the rest of the property behind it. He feels it would give a better position to preserve and protect the four houses that would remain as a historic resource.

Commissioner Tyner agreed with Commissioner Hill, noting that this solution would allow the rest of the site to be used more efficiently. He added that the garages were in poor condition and were not essential to the historic district. Commissioner Ostell said she was hesitant to ignore the HDC opinion on the garages as being a part of the historic environmental setting, but that allowing for flexibility for development behind the houses made sense. She said that retaining the houses as historic resources needs to be balanced with the need for affordable senior housing and related pedestrian improvements. Commissioner Hill said that the smaller lots created for the houses might help them to be more affordable if they were to be reused as residences.

Commissioner Hill moved to recommend approval of MAP2008-00104 to the Mayor and Council and said he was in agreement with staff's conclusions and recommendations that the proposed historic district is consistent with relevant master plans, but recommended that the historic district boundary follow the recommendation of the property owner and VHI in removing portions of the rear yards, and that, additionally, 150 Maryland Avenue be fully

excluded from the district. He said that removing 150 Maryland Avenue would help to strengthen the viability of the remaining four houses on Fleet Street and better retain the connection of those houses to the street frontage. Commissioner Tyner added an amendment to mention exclusion of the garages. Commissioner Hill stated that he intended to be silent on the issue of the garages because he saw them as historic resources and it would be fine if they could be moved and saved. Assistant City Attorney Sondra Block, explained that anything within the historic district boundary would be subject to HDC review and moving or removing them would be the HDC's decision. Mr. Kline clarified that the property owner/Victory Housing proposed line was not intended to include any of the garages in the historic district. Commissioner Hill accepted the addendum to the motion to accept the boundary line that does not include the garages and to also exclude 150 Maryland Avenue. Commissioner Tyner seconded the motion and it passed 5-0. Commissioners Johnson and Medearis were not present at the meeting.

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cc: Planning Commission