

**Summary of Public Hearing Testimony
June 16, 2008 and June 30, 2008**

Speakers – June 16:

Deane Mellander, CPDS Zoning Administrator – Introductory comments

Robin Weiner, Planning Commission Chair – Summary of Planning Commission recommendations

Joe Jordan – New Mark Esplanade – Supports the proposed Park Zone; concern about disposition of Redgate Golf Course; should be placed in the new zone.

Nancy Regelin – Four items of concern: 1. Nonconformities – very great concern about creating a great number of nonconformities; proposed language in revised ordinance is very important. 2. Concern regarding the treatment of development in the new PD zones; provisions not yet quite there. 3. The MXCD Zone is limited to 75'. This does not work for properties along I-270 where taller buildings are appropriate. 4. Concern about public use space requirement; do we need such space in industrial areas? What is the City really looking for?

Morton Levine – Concern about the urgency to get something done regarding use of accessory buildings in connection with home-based business enterprises. Has a contract for the Little Lodge on Chestnut Lodge, but is contingent on the buyer being able to use the “stable” building in part for a home business. Need to resolve the matter as quickly as possible.

Ann Marie Vasallo – Need to include a grandfather provision in the one-family zones. Nonconforming houses will be at a disadvantage for financing, insurance coverage and clear title.

Speakers - June 30, 2008

Jody Kline – Consider treating senior housing in the MXT Zone as a permitted use, rather than apply the senior housing requirements of the special exception. Allow more height, and don't require public use space for security reasons. (See submitted letter).

Art Fucillo – Expresses concern over treatment of proposed office building in the Fallsgrove development under the proposed PD provisions. Believes the designated equivalent zone (MXE) might not allow the building to be constructed as designed.

Cindy Bar – Representing 1488 Rockville Pike Property. Site is recommended for the MXCD Zone in the proposed amendment. The zoning designation should be re-thought. There needs to be more flexibility in the zones. Needs to be additional height allowed. The layback slope requirement across the Metro and railroad tracks should be revised. The proposed grandfather clause should be retained.

William Kominers – There are a number of critical issues to be addressed: There needs to be grandfathering, and supports the Planning Commission recommendation; however, it should also be applied to the proposed PD areas as well. For the PD areas, the approval resolutions assumed the existence and provisions of the current ordinance, and therefore did not directly address all standards. There should be a specific reference to the current ordinance in the revised ordinance. The designated equivalent zones do not necessarily match the original approvals. (Additional documentation to be submitted)

Pat Harris – There needs to be more flexibility in the MXCD Zone. Some sites close to the Twinbrook Metro should be in the MXTD Zone. In the MXE Zone the public use space requirement should be reduced to 5% since the suburban character of this development does not have the same pedestrian requirements. The additional area can be kept as private green space. Also, the maximum 5% expansion provision in the grandfather provision is too small (Additional documentation submitted)

Kristina Hughes/Gregg Scott – National Lutheran Home – Generally support the proposed revisions, especially the addition of a life care facility use. However, there needs to be added flexibility in building height up to 75 feet and reduction in required setbacks in cases where the site is adjacent to nonresidential use, i.e. Lakewood Country Club. OK to maintain the required compatibility findings for the special exception.

Kurt Meeske – College Plaza – Would like to have the MXCD Zone instead of the MXNC Zone. More consistent with the uses and provisions of the existing C-2 Zone. The shopping center is more consistent with the centers along the Pike than with one like Woodley Gardens.

Joseph Lavorgna – MCPS – Opposes the application of the Park Zone to the public school sites. This will reduce their value and as a consequence may affect County services. The proposed zoning on the Carver site (R-200) is inconsistent with the zoning recommendations of other sites along Hungerford Drive and should be considered for the MXCD zone. The Stonestreet Avenue site should be considered for the MXT Zone instead of retaining the R-60 zone. The school sites should be allowed to have higher fences in the front yard, and allow cell towers on school sites.

Stuart Barr – Represents 702 Rockville Pike – Currently a vacant parking lot with small building formerly leased by vacated Ford dealership. No income being generated from the property. Don't extend the moratorium within the Pike corridor. This may result in unintended consequences by winding up with an undesirable use on the site in order to maintain income stream.

Steve Orens – Represents potential lease tenant (bank branch) that would like to use the 702 Rockville Pike site. Don't adopt an overlapping moratorium. Wants to move ahead sooner rather than later.

Steve Van Grack – Concerned with neighborhood preservation as the highest priority for the City. Especially concerned about the height of accessory structures in residential neighborhoods. Current allowance of 15 feet to the mid-point of the gable is too high. Cites Mr. Pretka, whose back yard garden would be adversely affected by possible large accessory structure on neighboring lot.

Sally Stinner – City Hall parking expansion to south end of site was done without regard to zoning. Current plan for MXT on east side of S. Washington Street (City Hall site) treats City property different than properties on west side (retaining R-90). Don't rezone the City Hall property.

-

Pete Gartlan – Represents 1500 Rockville Pike (Devlin Lumber site) – The proposed plan does not take into account the differing character of the sites along the Pike. The shallow depth along the east side coupled with the maximum 75' height is a major constraint. The MXCD zone should allow greater height flexibility up to 120' for these sites.

Sonny Veen (representative) – Owns 706 Rockville Pike. Wants to build a signature project, which may include a full service hotel, Tower Club, ground level public space. Would like to have height allowed up to 150' in order to accomplish this plan.

Jim Reschovsky – Woodley Gardens C.A. – Consider rezoning the Woodley Gardens shopping center to MXC instead of MXNC. Under MXNC the 45' height allowed could substantially alter the character of the current center.

Joey Soleiman – Burbanks – Wants to use the property for a full-service restaurant. Hasn't been able to move forward due to parking constraints and code issues. Wants the provision of Sec. 25.16.05 to be extended to include the MXNC Zone and extend the distance to a public garage to 600'.

Prosper Osei-Wusu – Owns property at 219 Frederick Avenue in Lincoln Park. Would like to be considered for duplex housing rather than single family on the 22,000+ square foot lot.

Ziyad Shalabi – Interested in acquiring the site at 219 Frederick Avenue and developing townhouses (max. 5). Site adjoins existing multi-family. Townhouses would serve as a transition to the single family area to the east.

Pat Woodward – West End C.A. – Raises the concern about insurance coverage if existing houses that may exceed the new provisions are not grandfathered.

Michael Callahan – Need to close the current loophole that permits places of worship by right in the residential zones. They need to be regulated, perhaps as special exceptions. They have become larger and more diverse in recent times; no longer compatible with the surrounding neighborhoods.

Martin Heilman – Victoria Condominium – The proposed ordinance is better suited to larger areas. Concerned about potential development on adjoining parcel next to the Victoria. Would like to require a minimum setback from living areas, not just from the lot line. Burbanks is just an eye-sore now. The diverse ownership patterns along the Pike mitigate against the type of development that occurred in the Town Center. There needs to be a sound City policy for in-fill development.

David Wachen – Scott Group – 110 No. Washington Street. Site should be zoned MXB, not MXNC. Building doesn't conform to MXNC purposes and standards – all office and 5 stories tall.

Kim Nordheimer (Joe Lynott speaking) – Wintergreen Shopping Center – Generally supports the MXCD zone. However, the public use space requirement should be reduced for sites that are 100% commercial. The definition of public use space should be expanded to include other types of uses. Maintain the proposed grandfather provision.

Doug Wrenn – For College Plaza – Supports the mixed use zones concept. The MXCD zone should be applied, with added flexibility for building height and public use space. The site is more in character with similar sites along Hungerford that are recommended for the MXCD zone.

Tom Doerr – Rockville Bike Advisory Committee – There needs to be more inclusion of bicycle facilities and provisions for bike access to and through sites. The proposed ordinance does not give priority to bikes. Bike links and safe routes need to be addresses.

Mark Pierschala – College Gardens C.A. – The Association formally withdrew its support for the MXNC Zone on the College Plaza site, and takes no position on the zoning issue. Concern about accessory apartments given location near Montgomery College. There needs to be better definitions of accessory apartments – any cooking facility, not just a stove; separate entry; separate mailbox, etc. to define them from boarders. Also concerned about height of accessory buildings- should be measured to peak, not mid-point of gable.

Sue Seboda – Congressional Motors – Supports the proposed grandfathering provision. There needs to be more flexibility in the zones. All actions should be delayed until the Pike Plan is complete. Public use space should be addressed on an overall basis, not site-by-site.

Richard Gottfried – Home-Based Business Action Team – Why is there a need to regulate home businesses at all? Why charge any fees? This might be followed by an impact fee. There are too many unanswered questions. Delete the entire section of Art. 9 referring to home businesses and start over.

Stan Klein – Regarding the proposed regulations for home businesses, they are not suitable for today. Sale of items not made in the home should be allowed. Nonresident

assistants/employees should also be allowed, and well as modern-day internet and communications equipment. Home businesses have operated for years with no problems.

Glen Looper – Was on RORZOR Committee. Urges the Council to move ahead.

Wayne Harrison – E. Rockville C.A. – Revisions by the Planning Commission are much better than initial draft. Notes concern about definition on p. 19 of Art. 3.

David Kapp – Montgomery College – Want to allow greater height for public buildings in residential zones. Would like height allowed up to 75’ to accommodate future college plans. There should also be some adjustments to the setbacks as well.

Kevin Gallagher – TCA – Concern about the limitations on houses in the R-60, R-75 and R-90 zones. Height should be allowed up to 35’. Larger houses are not a big impact on the neighborhood. Porches would be allowed, but they would count against the impervious surface limits. There needs to be a grandfather provision in the residential zones. There also needs to be more flexibility in the mansionization provisions. A limit of 3,000 square feet is a concern. Don’t count accessory buildings in the floor area requirement.

John McKee – Need a grandfather provision in the residential zones. *Ex post facto* regulation is unconstitutional.

Carl Henn – The proposed zoning of the country clubs would allow hundreds of mansions on one-acre lots. The zoning should be modified to allow the current use, or agricultural uses to help with self-sufficiency in the City.

Karl Harger – Wants the City to provide maximum notice of any changes to properties. Raises a concern about his comments to the web being edited.

Christina Ginsberg – Concern about being able to meet environmental standards such as LEED. There is a potential for a major increase in FAR under the proposed code. Notes new provisions in Los Angeles code that adopt LEED standards.

Drew Powell – The proposed ordinance does not take into account that we will still be driving cars for years to come. The traffic that could be generated cannot be accommodated, and impact fees can’t solve the problems. The process should be slowed down.