



PLANNING COMMISSION Meeting Date: February 12, 2025  
Agenda Item Type: REVIEW AND ACTION  
Department: CPDS - DEVELOPMENT REVIEW  
Responsible Staff: NELSON ORTIZ

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## Subject

Final Record Plat Application PLT2025-00626, to Resubdivide Record Lot 6, Block A of the Victory Court Subdivision, Located in the MXT (Mixed-Use Transition) Zone and Rockville Heights Historic District at 107 Fleet Street; Habitat for Humanity Metro Maryland, Applicant

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## Department

CPDS - Development Review

## Recommendation

Staff recommend approval of Final Record Plat Application PLT2025-00626, based upon compliance with the Zoning Ordinance and subject to the conditions outlined within this staff report.



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## Overview

<b>Case:</b>	Final Record Plat Application PLT2025-00626
<b>Location:</b>	107 Fleet Street
<b>Staff:</b>	Nelson Ortiz, Principal Planner Community Planning and Development Services nortiz@rockvillemd.gov
<b>Applicant:</b>	Habitat for Humanity Metro Maryland

8380 Colesville Road, Suite 700  
Silver Spring, MD 20910

**Filing Date:** July 23, 2024

**Planning**

**Commission Date:** February 12, 2025

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**Executive Summary**

Habitat for Humanity Metro Maryland (“Applicant”) proposes to resubdivide Record Lot 6, Block A, of the Victory Court subdivision into Lots 6A and 6B, to accommodate the construction of a two-story duplex building as authorized by Site Plan application STP2024-00481. Since the property lies within the Rockville Heights Historic District, the Historic District Commission (HDC) conducted a courtesy review of the project on November 16, 2023 and a final review on March 21, 2024, approving the project. Site Plan application STP2024-00481 and this plat are consistent with the HDC’s approval.

The Zoning Ordinance defines a Final Record Plat as:

*A map that illustrates a metes and bounds description of the property into a system of lot and block numbering, the naming of the tract (subdivision name), and the assignment of a plat number when recorded among the Land Records of Montgomery County, Maryland.*

Pursuant to Section 25.21.11.g of the Zoning Ordinance, the Planning Commission is the Approving Authority for Final Record Plats. The approval and recordation of a Final Record Plat creates record lots, which are then deemed buildable lots per the Zoning Ordinance.

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**Site Description**

**Location:** 107 Fleet Street (“Property”)

**Planning Area:** Planning Area 4 – West End & Woodley Gardens East-West

**Land Use Designation:** OCRM – Office Commercial Residential Mix

**Zoning District:** MXT (Mixed-Use Transition District) and Rockville Heights Historic District

**Plat Area:** 5,019 square feet (.115 acres)

**Surrounding Land Use and Zoning**

Location	Zoning	Planned Land Use	Existing Use
North	MXNC	OCRM – Office, Commercial and Residential Mix	Office
East	MXT	OCRM – Office, Commercial and Residential Mix	Residential
South	MXT	RM – Residential Multiple Unit	Multi-family
West	MXT	OCRM – Office, Commercial and Residential Mix	Residential

### Site Analysis

The Property is zoned Mixed Use Transition (MXT) and located along the south side of Fleet Street between Maryland Avenue to the west and Monroe Street to the east. The existing lot is approximately .115 acres in size and measures approximately 60 feet wide by 84 feet deep. The Property is currently vacant, and the grade of the site rises from the front to the rear. Several mature trees border the front and rear lawn of the Property.

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### Project Description

The Applicant has filed this Final Record Plat application to implement Minor Site Plan application STP2024-00481. The Applicant intends to resubdivide the existing record lot into two separate lots, 6A and 6B. Proposed Lot 6A will have an area of 2,516 square feet and measure 29.81 feet wide by approximately 84 feet deep. Proposed Lot 6B will have an area of 2,503 square feet and measure 29.81 feet wide by 84 feet deep. A 10-foot public utility easement and a sidewalk easement, both dedicated through the previous plat, exist at the front of the proposed lots. Access to the lots will be provided from Fleet Street.

The Applicant seeks to construct a two-story duplex. Each unit will be located on its own record lot. The units were reviewed and recommended for approval by the HDC. The site plan was also reviewed for conformance with our development codes and was approved by the Chief of Zoning in November 2024.

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### Project Analysis

#### Comprehensive Plan

The proposal to construct a duplex on the subject Property is compliant with the City's Comprehensive Plan. The Property is located within Planning Area 4. Several elements of the project are consistent with goals, policies, and actions outlined in the Planning Area 4 chapter of the Comprehensive Plan. These compatibilities are:

- “Assure that affordable housing is distributed throughout the city.” - page 293.
- “Encourage mixed-income and subsidized housing developments to be distributed throughout the city.” - page 293.
- “Preserve the historical setting, environment, and residential character of the surrounding neighborhood by ensuring that expansions or additions to historic structures are appropriate in mass, scale, parking location and design, and environmental setting to the main historic structure and surrounding neighborhood. Exterior modifications to historic properties, except as described in the Zoning Ordinance, must receive a Certificate of Approval from the Historic District Commission.” - page 308.

Additionally, the proposal is also consistent with many of the goals, policies and actions within the Housing Element of the Comprehensive Plan. These compatibilities include:

- Policy 2: “Promote diversity in the supply of housing to meet market demand and the wide range of community needs and household incomes.” - page 198.
- 2.2: “Work with neighborhoods to promote small-scale infill and redevelopment projects that will diversify the housing stock and lower per unit land costs for new housing, including townhouses, rowhouses, duplexes, triplexes, fourplexes, and small multiple-unit properties.” - page 199.
- Policy 7: “Assure that affordable housing is distributed equitably throughout the city.” - page 205.

### **Zoning Ordinance Compliance**

During the review of the site plan, staff found the proposal consistent with the Zoning Ordinance. All development standards including height, setback, open area and parking requirements will be met. Furthermore, the proposed building will meet the Zoning Ordinance’s special design regulations of the MXT Zone.

This Final Record Plat meets the conditions of approval as defined in Section 25.21.02, Final Record Plats, of the Rockville Zoning Ordinance.

### **Tree Planting**

Section 25.21.21 of the Zoning Ordinance requires tree planting in association with subdivision. The Applicant is required to plant trees in association with each newly subdivided residential lot. Both of the proposed residential lots are proposing to plant five (5) trees on the respective lots. The plantings exceed the lot tree requirements in Section 25.21.21.

Section 25.21.21 also requires the following:

*The subdivider shall plant at least one (1) street tree per forty (40) feet of lot frontage within the public right-of-way or if approved by the Approving Authority, adjacent to the public right-of-way. The species, location, and method of planting shall be approved by the Urban Forester or designated staff.*

The proposed subdivision results in approximately 60' of frontage within the public right-of-way. This results in a street tree planting requirement of two (2) trees. The applicant is proposing to plant two (2) trees adjacent to the public right-of-way. Staff finds this meets the requirements of Section 25.21.21 by providing trees adjacent to the right-of-way, should the Planning Commission choose to approve it.

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### **Previous Related Actions**

- At its June 23, 2010 meeting, the Planning Commission approved Level 2 Site Plan STP2010-00034. While the site plan included the subject property, the main purpose of the site plan was for the development of an 86-unit senior housing apartment building for independent elderly residents on a neighboring lot, 209 Monroe Street.
- The Planning Commission approved Final Record Plat application PLT2011-00505 on October 27, 2010. The plat created a total of 7 lots and 2 outlots. Record Lot 6 (subject property) was one of the 7 lots. The plat was submitted as conditioned by the Level 2 Site Plan STP2010-00034 approval.
- On November 8, 2024, the Chief of Zoning approved Minor Site Plan Amendment application STP2024-00481 to permit the construction of a two-story duplex on the Property and associated site improvements.

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### **Community Outreach**

Public notification of the Final Record Plat was made pursuant to the requirements of Section 25.21.11.d (Notice). Mailed notification was provided to all property owners within 750 feet from the subject property as required by the Zoning Ordinance. At the time of this report, no public testimony or inquiries have been received regarding the Final Record Plat application.

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### **Findings and Recommendation**

There are no required findings that need to be made as part of the approval for this Final Record Plat. The plat is in compliance with the approved site plan for the property.

Final Record Plat PLT2025-00626 meets the conditions of approval as defined in Section 25.21.02 – Final Record Plats, of the City of Rockville Zoning Ordinance.

Staff recommend approval of Final Record Plat Application PLT2025-00626, subject to the conditions articulated in this report.

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### **Conditions**

#### **Planning and Zoning**

1. The Final Record Plat submission must include the original mylar plat and three mylar copies.
2. The Final Record Plat application shall be submitted in an appropriate electronic format as specified in Section 25.21.10.d of the City of Rockville Zoning Ordinance.

### **Department of Public Works Engineering**

3. Prior to issuance of any DPW permit and prior to the recordation of a Final Record Plat, the Applicant must submit for review and approval by the Office of the City Attorney all necessary deeds, easements, agreements, dedications, and declarations. Drafts of the documents must be included with the initial submission of the engineering plans and must be recorded prior to issuance of DPW permits, unless otherwise allowed by DPW. All dedicated easements must be referenced on the Final Record Plats.
4. If the Applicant proposes work within any easements that are held by entities other than the City and that are not proposed to be terminated or abandoned, the Applicant must demonstrate to DPW's satisfaction that the applicant has the authority to undertake such work prior to issuance of any DPW permit and prior to the recordation of the Final Record Plat.
5. The Record Plat must include:
  - a. All necessary easements and abandonments.

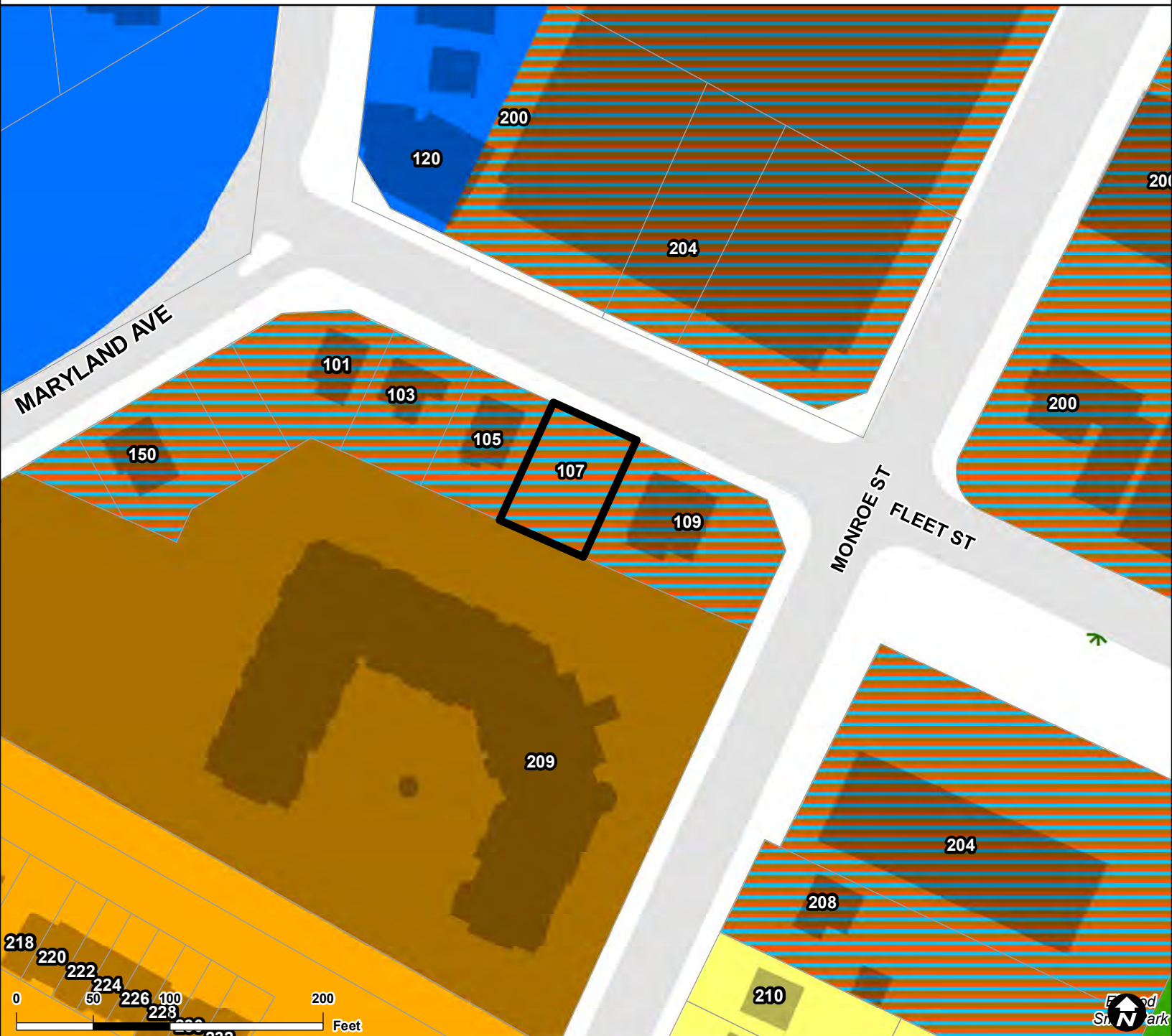
### **Attachments**

Aerial Map, Land Use Map, Zoning Map, Application, Plat














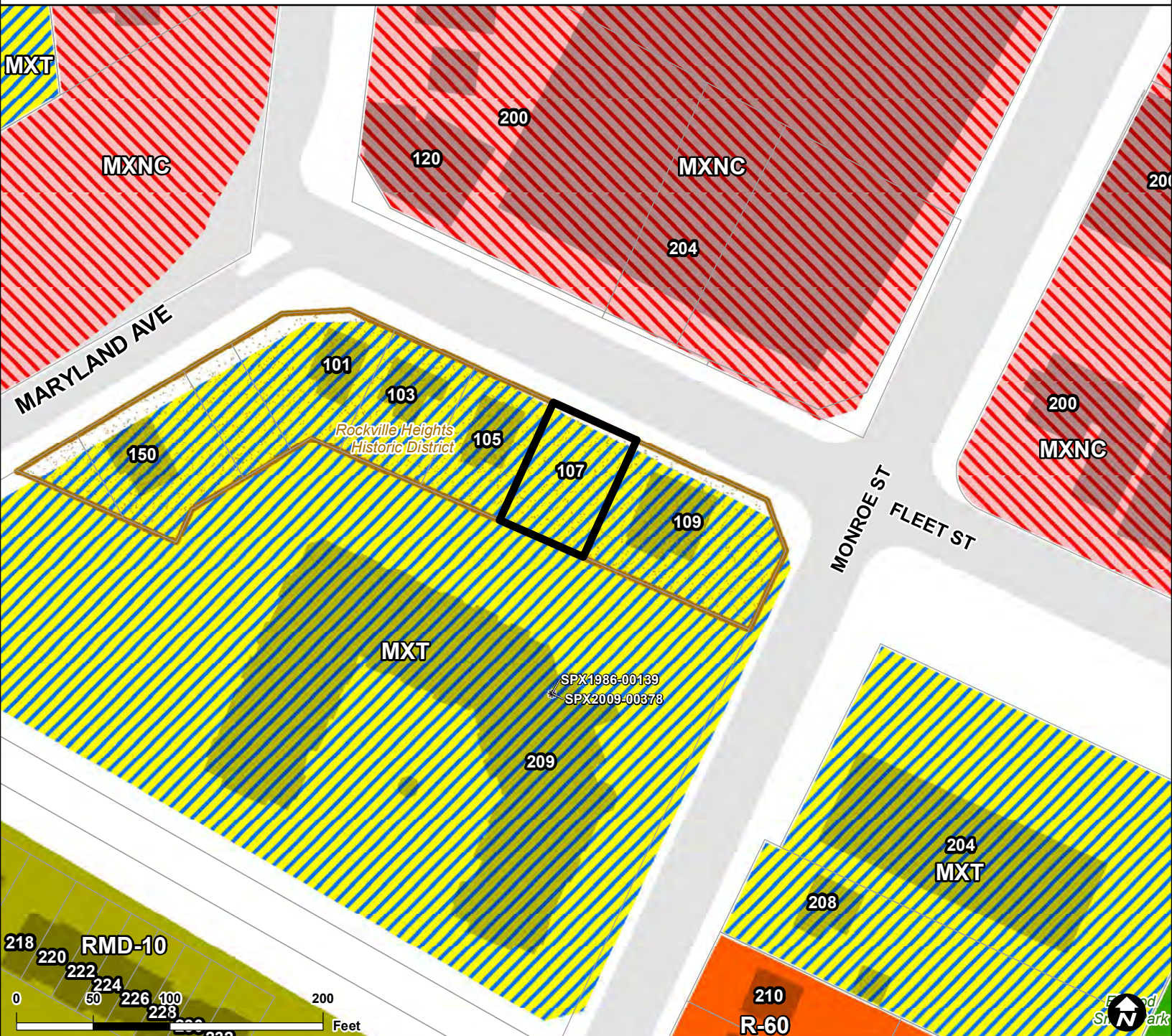
### Land Use Policy Designations

-  RD - Residential Detached
-  RA - Residential Attached
-  RF - Residential Flexible
-  RM - Residential Multiple Unit
-  RO - Residential and/or Office

-  O - Office
-  C - Commercial
-  CRM - Commercial and Residential Mix
-  OCRM - Office, Commercial and Residential Mix
-  CI - Civic and Public Institutional

-  I - Private Institution
-  P - Public Park
-  OSP - Open Space Private
-  SI - Service Industrial
-  SRM - Service Industrial and Residential Mix
-  Potential Future Park Asterisk





Zoning Overlays		Zoning Districts			
	Town Center Performance District		R-400 - Residential Estate		PD - Planned Development
	South Pike		R-200 - Suburban Residential		MXB - Mixed-Use Business
	Rockville Pike Core		R-150 - Low Density Residential		MXC - Mixed-Use Commercial
	Twinbrook Metro Performance District		R-90 - Single Unit Detached Dwelling, Restricted Residential		MXCT - Mixed-Use Corridor Transition
	Lincoln Park Conservation District		R-75 - Single Unit Detached Dwelling, Residential		MXCD - Mixed-Use Corridor District
	Planned Developments		R-60 - Single Unit Detached Dwelling, Residential		MXE - Mixed-Use Employment
	Residential Clusters		R-40 - Single Unit Semi-detached Dwelling, Residential		MXNC - Mixed-Use Neighborhood Commercial
	Local Historic Districts		RMD-Infill - Residential Medium Density, Infill		MXT - Mixed-Use Transition
	* Special Exceptions		RMD-10 - Residential Medium Density		MXTD - Mixed-Use Transit District
			RMD-15 - Residential Medium Density		PARK - Park Zone
			RMD-25 - Residential Medium Density		IL - Light Industrial





Application for  
**Subdivision Form**

**PLT**  
8/22

**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 • **Website:** www.rockvillemd.gov

**Type of Application:**

☐ Preliminary Plan   ☐ Ownership Plat   ☒ Final Record Plat\*   ☐ Cluster Development

*\*For final plat application, please submit the Affidavit of Final Plat Action*

**Please Print Clearly or Type**

Property Address information 107 Fleet Street, Rockville, MD 20850

Property Size (Sq. Ft.) 5,009 SF Lot(s) 6

Zoning MXT Tax Account(s) 03690765 , ,

Proposed Subdivision Victory Court Lot 6A, 6B Block A

**Applicant Information:**

Please supply name, address, phone number and e-mail address for each.

Applicant Habitat for Humanity Metro Maryland, Attn: Ronald Spoor  
ronald.spoor@habitatmm.org; 8380 Colesville Road, Suite 700 Silver Spring, MD 20910

Property Owner Montgomery County  
EOB 101 Monroe Street, Rockville, MD 20850

Architect Muse Kirwan Architects; 7401 Wisconsin Avenue, Suite 500, Bethesda, MD 20814  
Lauren Cannon, Email: lcannon@musekirwan.com

Engineer IMEG: Address: 4601 Forbes Blvd., Suite 140, Lanham, MD 20706  
Sylke Knuppel, Email: sylke.s.knuppel@imegcorp.com; Phone: 240-296-1574

Attorney Lerch, Early & Brewer; 7600 Wisconsin Avenue, Suite 700, Bethesda, MD 20814  
Vince Biase; Email: vgbiase@lercheearly.com; Phone: 301-657-0168

**STAFF USE ONLY**

**Application Acceptance:**

Application # PLT2025-00626

Date Accepted \_\_\_\_\_

Staff Contact \_\_\_\_\_

OR

**Application Intake:**

Date Received July 23, 2024

Reviewed by Fee: \$205.00

Date of Checklist Review \_\_\_\_\_

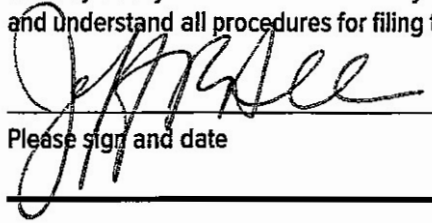
Deemed Complete: Yes ☐ No ☐

Project Identification 107 Fleet Street

Application is hereby made with the City of Rockville Planning Commission for appeal of a Subdivision Plan for the property described on page 1.

**A letter of authorization from the owner must be submitted if this application is filed by anyone other than the owner.**

I hereby certify that I have the authority to make this application, that the application is complete and correct and that I have read and understand all procedures for filing this application.

 5/29/2024

Please sign and date

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

Attached hereto and made a part of this application, I submit the necessary plans, specifications and other data or explanatory material as required by the Subdivision Regulation (Chapter 25, Article XV). All applications must include the original mylar and six (6) prints, showing the following:

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**1. Surveyor's Certificate**

- a. Show all recordation of conveyance with dates.
- b. Establish pipes and monuments.
- c. Give area of street dedication in square feet and acreage.
- d. Plan is certified correct and is sealed by a Maryland registered surveyor.

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**2. Owner's Dedication**

- a. Owner adopts plan of subdivision.
- b. Dedicate all streets to public use and/or to public use and private maintenance.
- c. Grant land as shown on the subdivision plan to proper HOA entity, Mayor and Council, etc.
- d. Establish minimum building restriction lines.
- e. All necessary easements to be established by plat including PUE's, (with PUE recordation information), grading and slope easements, sidewalk/bike path/pedestrian easements, utility easements, ingress/egress easements, etc.

**Note:** SWM easements to be shown on subdivision plan and locations verified with maintenance agreement location sketch. Forest Conservation easements are also established by a separate document but location should be shown on plat.

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**3. Easements and Rights of Way**

- a. Show all existing easements.
- b. Abandon all unnecessary easements, rights of way by separate document, and reference on plat.
- c. Locations of new utilities or other public improvements outside of rights-of-way match locations of new easements being established or shown as future/recorded on plat.
- d. Establish 10 feet along all public roadways.

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**4. Datum and North Arrow**

- a. Datum to be NAD 83/91 for new subdivisions, WSSC, original plat datum or other approved datum.
- b. North Arrow is shown on plat with datum and scale (maximum scale is 1" = 100').
- c. Show three (3) property corner coordinate values per plat.
- d. Minimum of two (2) monuments per block.

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**5. Adjacent Parcels**

- a. Show all adjacent plat/deed and owner information.

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**6. General Plat Information**

- a. Show all proposed or previously dedicated street names, and right-of-way widths. Give recordation information if applicable.
- b. Show all curve and line data.
- c. Show all lot numbers, blocks, and lot areas.
- d. Show all parcel letters, blocks, and parcel areas.
- e. All information shown on title block is correct and consistent with any predetermined subdivision name.
- f. Certification block for Planning Commission and City Manager.

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**7. Plat of Corrections**

- a. For correction plats, all previous information to be corrected should be clearly identified as such (with the use of dashed lines, stippled numbers, etc.), and all new information to be established uses heavier line weights or other methods to clarify its intent.
- b. Final plat to be accompanied by digital submission (DWG or DXF format).





# Affidavit of Final Plat Action

City of Rockville

Community Planning and Development Services

Section 25.21.11 (Final record plat approval procedures - Generally) of the City of Rockville Zoning Ordinance requires action by the Planning Commission on a final plat application within thirty (30) days from the time the City accepts the application.

By providing this Affidavit, I hereby request that the requirement for Planning Commission action on the final plat within thirty (30) days from application acceptance be extended to within sixty (60) days from application acceptance to allow thorough review of the application, coordinate staff comments, and allow time to prepare approval documents.


Application Number:

Plat Name: Victory Court; 6A, 6B, Block A

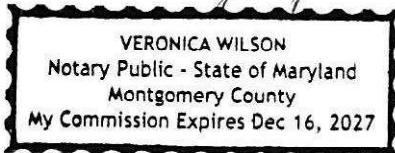
APPLICANT: Habitat for Humanity Metro Maryland

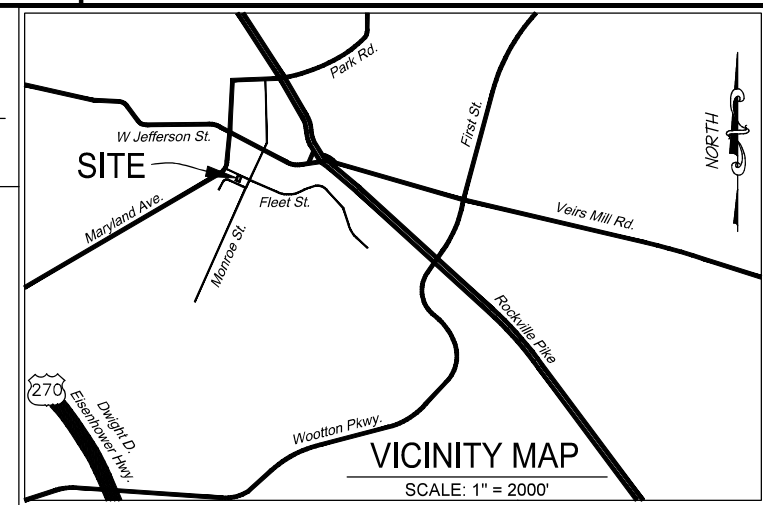
  
\_\_\_\_\_  
Owner/Applicant Name (attorney for Applicant)

Subscribed and sworn to me before a Notary Public in and for the State of Maryland,  
County of Montgomery, on this 3<sup>rd</sup> day of June, 2024.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 12/16/2027





SCALE: 1" = 2000'

1. THE PROPERTY SHOWN HEREON IS APPROVED FOR CITY OF ROCKVILLE PUBLIC WATER AND SEWER, WATER CATEGORY 1 AND SEWER CATEGORY 1.
2. THIS PROPERTY IS SHOWN ON TAX MAP GR32.
3. THIS SUBDIVISION RECORD PLAT IS NOT INTENDED TO SHOW EVERY MATTER AFFECTING THE OWNERSHIP AND USE, NOR EVERY MATTER RESTRICTING THE OWNERSHIP AND USE, OF THIS PROPERTY. THE SUBDIVISION RECORD PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO DEPICT OR NOTE ALL MATTERS AFFECTING TITLE.
4. THIS SURVEY IS BASED ON A BOUNDARY SURVEY CONDUCTED BY THIS FIRM ON MARCH 1, 2023.
5. LOTS 6A AND 6B WILL BE SUBJECT TO FUTURE SWM EASEMENTS FOR MICRO-BIO PLANTER BOXES AND PERMEABLE PAVEMENT. THE FINAL LOCATION AND DIMENSION OF SWM EASEMENTS WILL BE DETERMINED AT TIME OF FINAL ENGINEERING AND PERMITTING.
6. STORMWATER MANAGEMENT EASEMENTS WILL BE CREATED BY SEPARATE DOCUMENTS TO BE RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND FOLLOWING RECORDATION OF THIS PLAT.
7. FOREST CONSERVATION EASEMENTS WILL BE RECORDED AMONG THE LAND RECORDS OF MONTGOMERY COUNTY, MARYLAND FOLLOWING RECORDATION OF THIS PLAT.

WE, MONTGOMERY COUNTY, OUR SUCCESSORS, OR ASSIGNS WILL CAUSE PERMANENT PROPERTY CORNER MARKERS SHOWN THUS (●) TO BE SET BY A REGISTERED MARYLAND LAND SURVEYOR IN ACCORDANCE WITH SECTION 25.21.25 OF THE ZONING ORDINANCE OF CITY OF ROCKVILLE, MARYLAND.

THERE ARE NO SUITS, ACTIONS AT LAW, LEASES, LIENS, MORTGAGES OR TRUSTS AFFECTING THE PROPERTY EXCEPT AS SHOWN HEREON, AND THAT PARTY HAS INDICATED THEIR ASSENT TO THIS PLAT BY SIGNING BELOW.

NAME \_\_\_\_\_ DATE \_\_\_\_\_ WITNESS \_\_\_\_\_

NAME \_\_\_\_\_ DATE \_\_\_\_\_ WITNESS \_\_\_\_\_

I, HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION AND BELIEF, THAT IT IS A RESUBDIVISION OF A PORTION OF THE LANDS CONVEYED BY ELIZABETH KEISER ROBERTSON TO MONTGOMERY COUNTY, MARYLAND BY A DEED DATED AUGUST 26, 1969 AND RECORDED SEPTEMBER 3, 1969 IN LIBER 3897 AT FOLIO 737, ALSO BEING LOT 6, BLOCK A, VICTORY COURT AS RECORDED AS PLAT NUMBER 24320 AMONG THE LAND RECORDS OF MONTGOMERY COUNTY MARYLAND. THE TOTAL AREA INVOLVED IN THIS PLAT IS 5,018 SQUARE FEET OR 0.1152 ACRES, NONE OF WHICH IS DEDICATED TO PUBLIC USE, AND THAT ALL PROPERTY CORNERS MARKED THUS (●) ARE IN PLACE AS SHOWN HEREON IN ACCORDANCE WITH SECTION 25.21.25 OF THE ZONING ORDINANCE OF THE CITY OF ROCKVILLE, MARYLAND.



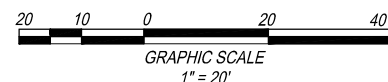
Digitally signed by Kerry Skinner  
DN: C=US, E=kerry.l.skinner@imgcorp.com,  
O=IMEG, OU=Civil Engineering, CN=Kerry  
Skinner  
Date: 2024.10.29 13:14:08-04'00'

DATE KERRY L. SKINNER  
PROFESSIONAL LAND SURVEYOR  
MARYLAND REGISTRATION NO.: 21687  
EXPIRATION DATE: DECEMBER 16, 2024

	BEFORE SUBDIVISION
LOT 6	5,019 SQUARE FEET OR 0.1152 ACRES
	AFTER SUBDIVISION
LOT 6A	2,516 SQUARE FEET OR 0.0578 ACRES
LOT 6B	2,503 SQUARE FEET OR 0.0574 ACRES
TOTAL	5,019 SQUARE FEET OR 0.1152 ACRES

\_\_\_\_\_ PROPERTY LINE  
 \_\_\_\_\_ ADJOINER LINE  
 RBF REBAR FOUND

The proposed subdivision requires compliance with Section 25.21.21.a of the Zoning Ordinance. This requires the applicant plant 1 street tree per 40' of lot fronting the public right-of-way, or adjacent to the public right-of-way, if approved by the planning commission. Staff find the proposed Redbud trees adjacent to the public right-of-way meet the requirement. As such, the requirement will be subject to planning commission approval.



Community Planning & Development Services  
Received  
December 12, 2024

THE CITY OF ROCKVILLE PLANNING COMMISSION  
ROCKVILLE, MARYLAND

APPROVED \_\_\_\_\_  
WITHOUT COMMITMENT TO THE INSTALLATION OF WATER, SEWER AND STREETS

CHAIR \_\_\_\_\_ CITY MANAGER \_\_\_\_\_

DATE RECORDED \_\_\_\_\_

PLAT NO. \_\_\_\_\_

(BEING A RESUBDIVISION OF LOT 6, BLOCK A, VICTORY COURT  
PLAT #24320)

CITY OF ROCKVILLE 4TH ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND  
SCALE: 1" = 20'                      DATE: 3/01/2024



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christopher consultants, ltd. now IMEG Corp.