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JODY S. KLINE
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March 28, 2025

Mr. James Wasilak
Director of Planning
Rockville City Hall
111 Maryland Avenue
Rockville, Maryland 20850

RE: Project Plan No. PJT 2023-00016,
900 Rockville Pike;
Request for Amendment of Project Plan

Dear Mr. Wasilak,

On September 30, 2024, the City published Resolution No. 17-24 approving Project Plan No. PJT 2023-00016 for a 4,400 square foot, freestanding, single use building with associated surface parking on a 19,339 SF parcel of land located at 900 Rockville Pike in the southeast quadrant of the intersection of Rockville Pike and Edmonston Drive. A copy of Council Resolution No. 17-24 is attached for your review.

Subsequent to the Council's action on Application No. PJT 2023-00016, the owner, Mr. Joel Danshes, promptly took steps to implement the Council's decision. The Applicant's engineers were instructed to prepare plans for submission of a site plan application. Simultaneously, Mr. Danshes prepared a marketing brochure regarding the subject property and began to canvas commercial real estate brokers to identify an interested tenant or purchaser for the property. The applicant's marketing efforts have been unsuccessful to date. Mr. Danshes' engineers have indicated that they cannot complete the preparation of a site plan application until they have received information and details from a prospective tenant or buyer with guidance about how to "customize" the site plan to the potential users' desires and branding preferences.

Section 25.07.07.18 of the City Zoning Ordinance (“Project Plan Implementation Period”) states that a Project Plan approval will expire if a site plan application implementing the Project Plan is not filed within six months of the date of the Mayor and City Council’s approval. In accordance with that provision of the Zoning Ordinance, Project Plan PJT 2023-00016 will expire on **March 30, 2025** unless a site plan application is filed by that date, or an extension of the implementation period is granted.

In addition to the problems that Mr. Danshes’ engineers have encountered as described above, the Applicant has experienced the following circumstances which have contributed to his inability to file a site plan application before the Project Plan expiration date:

1. Project Plan PJT 2023-00016 was approved just before the holiday season (Thanksgiving, Christmas and New Year) when real estate activity was dormant in nature. There was, therefore, a period between the date of the City Council’s action on September 30, 2024 and the end of the calendar year when there was a lull in commercial brokerage activity.
2. In October, 2024, it was determined that Mr. Danshes’ previous cancer condition, that had been in remission since 2021, may have reactivated when a growth was detected on his chest. The examination of the suspicious growth was the subject of a surgical procedure conducted later in the month of October. When the growth was determined to be malignant, it was removed. Mr. Danshes did not require any further medical action (other than periodic checkups during his rehabilitation period) such as chemotherapy and the like but the surgical procedures related to removal of the growth, and the experience itself, left him weak, listless, and unable to vigorously manage his business interests such as marketing the newly approved building at 900 Rockville Pike.
3. The results of the presidential election in November, 2024, and the activities and plans of the new administration since then, have put a damper on the commercial leasing market. Candidly, potential tenants or buyers have been holding back in lining up new properties or in making significant financial commitments until it is better understood by all where commercial real estate and retailing opportunities are heading in the foreseeable future.

Section 25.07.07.18 states that a Project Plan implementation date is six (6) months from the date of the Mayor and City Council action “...or within such other period of time as may be provided in the approval.” In September, 2024 when the Mayor and City Council approved Application No. PJT 2023-00016, if the Applicant had forewarning that the factors described above were going to occur, he would have asked at that time that the implementation date for his filing be set not at six months but, rather, to a later date.

In light of the situation described above, Mr. Danshes concluded that a request for extension of the implementation date for Project Plan No. PJT 2023-00016 was necessary. However, when the Applicant broached this subject with the City Planning Department, we were advised by Staff that, unfortunately, Section 25.05.08 of the City Zoning Ordinance (“Extension of Implementation Period”) only applies if the provisions of Chapter 25 of the City Code expressly allow the extension and that there is nothing in Article 7 of the Zoning Ordinance that authorizes the extension of a project plan approval implementation period in contrast to other approvals such as a site plan or a special exception. Accordingly, the Applicant was directed to file an application to amend Project Plan approval No. PJT 2023-00016.

Staff’s guidance described above actually provides an opportunity that benefits both the Applicant and the City. Section 25.07.07.18 provides that the implementation period for a Project Plan will be six (6) months or such longer period as the Mayor and City Council may set. As mentioned earlier in this letter, had Mr. Danshes foreseen the events that would occur in the six months following approval of his Project Plan application, he would have requested in September that the implementation period for his project be extended out to one year. This amendment application can give Mr. Danshes the “breathing room” that he needs to thoroughly market his property. And it relieves the City Council from having to deal with another amendment request if the commercial real estate market does not rebound in a timely fashion.

For the reasons set forth above, Mr. Danshes requests that the implementation date for PJT 2023-00016 be extended from March 30, 2025 to **March 30, 2026**. I can assure you that Mr. Danshes is prepared to finalize and promptly file his site plan application as soon as he can locate a tenant to sign a lease. Furthermore, Mr. Danshes would prefer not to have to bother the Mayor and City Council of Rockville a second time for another amendment to the implementation date. For that reason, the Applicant requests that the implementation date for Application No. PJT 2023-00016 be extended from March 30, 2025 for one year to March 30, 2026. The Applicant will leave it to the discretion of the Director of Planning whether the application should be treated as minor or major in nature. The Applicant has provided filing fee and sign checks for the amount of a minor amendment. Should the application be deemed a major amendment, the Applicant will provide the additional filing fee. The Applicant hopes that this proposal is acceptable to the City in order for Mr. Danshes to find a suitable tenant for the site and so that he does not have to bother the Mayor and City Council if the commercial real estate market does not readily stabilize.

Respectfully submitted,
MILLER, MILLER & CANBY

A handwritten signature in dark ink, appearing to read "Jody", with a stylized flourish at the end.

Jody S. Kline