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BY HAND DELIVERY

Mr. James Wasilak
Chief of Planning
Department of Community Planning and Development Services
City of Rockville, Maryland
111 Maryland Avenue
Rockville, Maryland 20850

Re: "Rockwood Mews" Townhome Development
15 and 45 West Gude Drive, Rockville, Maryland
Site Plan Level 2 Application for construction of townhome community
Related Application: Pre-Application Meeting application PAM2016-00091

Dear Mr. Wasilak:

On behalf of our client, RCC Lot 1-C, LLC and RCC Lot 1-B, LLC c/o Matan Companies, LLLP ("Matan"), we are submitting the enclosed Site Plan Level 2 application for a townhome development called "Rockwood Mews" on the property located in the northwest quadrant of North Frederick Road (Route 355) and West Gude Drive, behind the existing office buildings located at 15 and 45 West Gude Drive (the "Property"). This application relates to Matan's Pre-Application Meeting application number PAM2016-00091.

As you are aware, in 2008, the City approved two additional office buildings and structured parking on the Property. As we have discussed previously, due to changes in market conditions and a very soft office market, Matan now proposes to develop the Property with a residential townhome development. The proposed townhome development is more compatible with the surrounding community than the prior approval, furthers the intent of the MXE Zone, and exceeds the prior approval in meeting forest conservation requirements.[1]

[1] In addition to this statement, please also see the accompanying Justification Statement in support of the Preliminary Forest Conservation Plan.

I. Description of Property and Surrounding Area

The Property has a net tract area of approximately 24.1 acres and is zoned MXE ("Mixed Use Employment"). As shown on Plat No. 24401, the Property is comprised of three separate ownership lots. The Property is currently improved with two 4-story office buildings (15 and 45 West Gude Drive), totaling approximately 220,539 square feet and associated surface parking. The Property is surrounded by the King Farm community (single-family detached residential dwellings and townhome units) to the north and west, automobile dealerships to the east across North Frederick Road, and office buildings and the College Gardens community (single-family detached residential dwellings) to the south across West Gude Drive.

The currently approved site plan allows four (4) 4-story office buildings for a total of 436,265 square feet of Office/Research and Development ("R&D") uses. Approximately 215,726 square feet of Office/R&D uses has been approved, but not yet constructed.

II. Background Information and Prior Approvals

The Property was previously approved in 1983 for four office buildings (Use Permit U-279-83). Two office buildings and associated surface parking were constructed after that original approval. In 2008, the City approved a use permit amendment for the two remaining office buildings and structured parking on the Property (USA1983-0279F) (the "Prior Approval"). The Prior Approval followed a Board of Appeals decision in 2007 in which the Board of Appeals determined that the 1983 site plan approval was still valid and that the property owner and the City needed to pursue the building permit application and forest conservation plan approval process in good faith. That Board of Appeals decision resulted in the amended site plan reflecting reconfigured buildings and structured parking. The Planning Commission approved that amended site plan in 2008. The prior property owner did not construct the two additional office buildings and structured parking under the Prior Approval.

III. Description of Proposed Townhome Project

Due to changes in market conditions and a very difficult office market, Matan now proposes to develop the Property with a residential townhome development. There is significant demand for townhomes in the area, and Matan believes that the Property has the potential to be a very well designed, pedestrian-friendly, and environmentally sensitive residential community. The proposed townhome development is more compatible with the surrounding community than the Prior Approval, furthers the intent of the MXE Zone, and exceeds the Prior Approval with respect to the amount of preserved forest onsite.

After recently revising the plan even further, Matan now proposes 83 residential townhomes, including 12.5% Moderately Priced Dwelling Units ("MPDUs"), in lieu of the 218,865 square feet of unbuilt Office/R&D uses. The two existing office buildings will remain, but the existing surface parking consisting of 823 spaces currently is proposed to be reconfigured and reduced to 788 spaces, resulting in a net reduction of 35 spaces, which will reduce impervious area. The Property will provide adequate parking to meet the demand for both office and residential uses.

The proposed townhome Project is superior to the office buildings and structured parking Prior Approval in many respects. The proposed plan preserves more priority forest than the Prior Approval. The townhome community will serve as an effective transitional land use between the existing office buildings on the Property and residential uses located in the adjoining King Farm community. Townhomes will create a visual buffer to the existing office buildings and have less negative visual impact to adjacent residents than the prior approved office buildings and structured parking. Townhomes will create less traffic, truck loading and unloading, lighting, and other similar impacts. Townhomes provide a greater mix of uses on the Property, as encouraged by the MXE zone.

Additionally, the proposed townhome community will contribute to other general City goals such as:

1. Furthering several of the general planning goals and objectives of the City Comprehensive Plan including land use, transportation, and housing goals;
2. Meeting or exceeding the purposes and standards of the MXE zone;[2]
3. Providing a more compatible land use transition to adjoining residential properties;
4. Reducing automobile dependency by providing housing close to workplaces; and
5. Increasing the number of Moderately Priced Dwelling Units within the City.

As the City is aware, Matan has proposed multiple iterations of the townhome plan. Originally, the plan proposed 127 units, and Matan met several times with City Staff regarding the original design. As a result of those meetings, Matan worked in good faith to improve the overall forest protection strategies and reduce the overall density. Matan reduced the number of units from 127 to 103 units in direct response to Staff's request to preserve more existing forest. To address additional City comments, Matan reduced the proposed number of units to 86. Now Matan has reduced the proposed number of units even further, to 83.

Matan has increased priority forest retention in excess of the Prior Approval.[3] The revised design provides a superior layout and design from the previous approval. The townhome community has been located as a transitional land use between the existing office buildings and the residential uses located in the adjoining King Farm community, which avoids residential uses in close proximity to North Frederick Road or West Gude Drive. The plan also ensures significant retention of existing forest along the Property line for compatibility and buffering.

The most appropriate location for residential uses on the Property is generally to the north-west of the existing office buildings and away from the frontage of adjoining arterial roads. Matan has carefully redesigned the Project based on City transportation and forestry comments. The proposed design utilizes best practices for residential development that minimizes impact to existing forest. For example, the townhomes have relatively small footprints and lot areas. The

[2] See Attachment 1 for the Project's compliance with the purposes and standards of the MXE zone.

[3] Please see the accompanying Justification Statement in support of the Preliminary Forest Conservation Plan for further information.

design of integral garages eliminates excessive surface parking. The proposed layout impacts forest where the fewest number of large trees are affected, saving more large trees. Additionally, the roadway network has been minimized, which decreases the overall development footprint and maximizes clustering. Finally, the clearing takes place through the northern portion of the forest. This layout provides a forested buffer between commercial parking and the residences. The residences are situated closer to the adjacent residential uses in King Farm, which further enhances the residential character of both the proposed townhomes and the existing homes in King Farm.

IV. Compliance with General City Goals

The Project will further several important goals of the City, including:

- Promoting a variety of uses in close proximity to each other, in a compatible manner;
- Providing a mix of office and residential uses in the MXE Zone;
- Increasing the number of Moderately Priced Dwelling Units within the City;
- Providing for safe and efficient vehicular access and circulation, designed to minimize impacts on the adjacent residential community; and
- Providing a visual and noise buffer to adjacent residential communities.

The proposed Project meets the following general planning goals and policies from the City's Comprehensive Plan:

- Chapter 2: Land Use Goal: Retain a mix of land uses that will meet housing needs, protect the quality of life for residents, and enhance Rockville's tax based upon Smart Growth principles and regional cooperation.
    - Policy 6: Ensure a mix of housing types and price ranges to meet diverse needs of different sectors of the City's population, with an emphasis on the importance of owner-occupied housing.

  - Policy 10: Encourage residential land use within the City so that the 'Jobs to Houses' ratio is reduced.
- Chapter 4: Transportation Goal: Provide a multimodal transportation system that enhances accessibility while protecting neighborhoods and the environment. The Property is within ¼ mile of bus transit, which is within 15 minutes of the Rockville Metro station.
- Chapter 5: Environmental Goal: Integrate the protection of the environment in all public and private development and land use decisions to promote the health and safety of and enhance the quality of life for the citizens of Rockville.
- Chapter 10: Housing Goal: Provide broader economic selection and homeownership opportunities for owners and renters of every age group.
  - Policy 5: Create a balance between different housing types.
  - Policy 6: Promote policies and practices…that preserve neighborhoods, recognize historical significance, encourage affordable and accessible housing, and consider the impact of land use.
  - Policy 7: Increase opportunities for homeownership for persons of all income levels.
  - Policy 8: Maintain an appropriate mix of ownership and rental opportunities in the City.

V. Compliance with MXE Zone Standards

The proposed Project also complies with the purpose of the MXE zone to provide a mix of uses and complies with the development standards in the MXE zone, as described in greater detail in Attachment 1 (City Code Sec. 25.13).

VI. Access, Circulation, and Parking

Access to the Property is currently provided at private driveway entrances along North Frederick Road and West Gude Drive. The North Frederick Road access is signalized, provides full ingress and egress, and creates a dedicated pedestrian access route. This access point currently serves and will continue to serve the existing office uses. The existing access on West Gude Drive will continue to serve the existing office uses and also will provide connectivity for

the proposed townhomes. Additionally, Matan proposes a second access point on West Gude Drive. This additional access, a public road, will provide additional access for the townhome community, will enable greater connectivity and circulation, and will enhance emergency access and response effectiveness. Overall, the revised design provides safe and efficient vehicular access and internal circulation.

Adequate parking will be provided for the townhome units. The proposed changes to the surface parking for the office buildings will result in a net decrease of 35 spaces, but Matan is confident based on historical parking demand that the number of spaces provided will be more than adequate. Overall, the proposed number of spaces on the Property will adequately serve the existing and proposed uses.

VII. Road Code Waivers

In order to address City comments and design preferences to the maximum extent possible, Matan has prepared a plan that requires waivers under City Code Section 21-20. Specifically, Matan requests the following waivers:

- A waiver from the standard minimum 50 foot right-of-way for a secondary residential road ending in a cul-de-sac (Section 21-64) to enable the proposed 42 foot right-of-way;
- A waiver from the standard installation of sidewalks on both sides of a secondary residential road to enable sidewalk installation on one side only;
- A waiver from the standard buffered sidewalk to enable the sidewalk to be located directly adjoining the curb; and
- A waiver from the standard 26 foot pavement width (Section 21-64) to enable the proposed 22 foot pavement width.

These waivers will enable greater priority forest retention and preservation. Wider public right-of-ways and additional sidewalks with buffers require more area, along with slightly

greater stormwater management facilities, and Matan prefers to reduce the right-of-way width for greater forest protection. Based on City Code Section 21-20, Matan will submit these waiver requests to the City Manager.

VIII. Traffic, Schools, and Adequate Public Facilities Ordinance

A Comprehensive Transportation Review (CTR) report from Wells and Associates will be submitted in connection with this application. Students are projected to attend College Gardens Elementary, Julius West Middle, and Richard Montgomery High School, all of which have capacity under the City school test. The Project will be served by public water and sewer and other utilities.

IX. Community Outreach

Matan has met with the King Farm community. Matan held a community outreach Area Meeting on October 6, 2015 and provided those meeting materials to the City. Matan will conduct another Area Meeting, currently scheduled for November 30, 2016. The proposed townhome development is a superior project to the previously approved commercial office development. The Project is far more compatible with the surrounding neighborhood than the prior office building proposal as an appropriate transition from the existing office buildings to the adjoining King Farm community, and Matan believes that most, if not all, King Farm residents will prefer a townhome community on the Property, as opposed to four-story office buildings and structured parking.

X. Conclusion

In designing the proposed Project, Matan has comprehensively evaluated the City's various laws, regulations, policies and objectives. Matan has reduced the density of the Project

and revised the proposed forest conservation to retain as much priority forest on the Property as possible. The result is a well-designed Project that comprehensively furthers many important City goals and objectives and is compatible with the surrounding neighborhood. The proposed site development plan is superior to the Prior Approval in many respects, including greater preservation of priority forest. The Project satisfies the purpose and intent of the MXE Zone and meets or exceeds the zoning requirements.

The proposed Project will not adversely affect the Master Plan, the Zoning Ordinance, or any applicable law. The proposed use at this location will not adversely affect the health or safety of residents or workers in the area. It will not overburden public facilities, will not be detrimental to the use or development of adjacent properties or the neighborhood, and will not change the character of the neighborhood or constitute a nuisance. The proposals comply with all APFO requirements.

Please let us know when this application is scheduled for the next available Development Review Committee meeting. If you have any questions about this application or need any additional information, please contact me. Thank you very much for your consideration and cooperation.

Respectfully submitted,

Lerch, Early & Brewer, Chtd.

By: _____

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Attachment 1

The following is a summary of the design and zoning standards of the MXE Zone and the Application's compliance with those standards.

25.13.01 – Purpose
The purposes of the Mixed-Use Zones are as follows:

1. To create high-quality neighborhoods and zones that are attractive and pedestrian oriented;
2. To allow for a mix of different types of land uses in a compatible manner, both vertically and horizontally;
3. Consistent with the Environmental Guidelines, to ensure the provision of public spaces that enhance the built environment;
4. To minimize automobile use and maximize the use of public transportation, bicycle, and pedestrian access within the City;
5. To promote a variety of uses in close proximity to each other in compliance with the Master Plan's recommendations;
6. To establish performance standards to ensure that allowed uses will not create a nuisance for other uses within the same development;
7. To provides standards and guidelines for assuring that the appearance and design of buildings, structures, and neighborhoods are compatible with existing nearby buildings, structures, and/or complies with any adopted design guidelines in the relevant Plan for the area in which the building or structure is to be located;
8. To provide a variety of residential uses and diverse styles of housing which are compatible with the intent of each of the Mixed-Use Zones; and
9. To provide for more efficient land use, particularly a development pattern more flexible in adjusting to market conditions and local growth fluctuations.

Response: The Application is substantially in conformance with the purposes of the MXE Zone, providing a high-quality neighborhood that is attractive and pedestrian oriented, with a mix of uses, public spaces that enhance the built environment, a variety of uses in close proximity to each other that minimizes automobile use and maximizes public transportation, reduces the potential nuisances associated with non-residential development, provides a diversity of residential housing and utilizes land more efficiently.

25.13.02 – Zones Established. Distinguishing Feature of the Mixed-Use Employment ("MXE") zone.
The MXE zone is "[I]intended for areas that are either currently developed or are recommended for development primarily for office, light industrial, and industrial park uses, this zone allows for medium density development of office, retail, and residential uses. A mix of office and residential uses, including live/work and work/live units, is encouraged."

Response: Residential uses, especially residential uses mixed with office uses, are encouraged in the MXE zone. Townhome Dwellings are PERMITTED USES (Emphasis added). Note that townhomes are the most compatible residential type permitted in the MXE zone without applying for conditional use permission.[4]

25.13.04 – Special Regulations for Conditional Uses

Response: This section does not apply.

25.13.05 - Development Standards of the MXE Zone.

1. Side and Rear Setback: 25' or ½ the building height

   Provided: Varies.

2. Building Height: 120', subject to 30 degree layback slope per subsection 25.13.05.b.2(d).

   Response: To be determined at site plan.

3. Other Standards and Requirements for New Development or Redevelopment.
   a. Conversion of Space.

      Response: This provision does not apply.

   b. Entryways.

      Response: This provision does not apply.

   c. Access.

      Response: The application complies with this standard through the separation of entrances and the provision of private residential entries.

   d. Moderately Priced Dwelling Units Ordinance Compliance.

      Response: The application complies with this standard through the inclusion of 12.5% MPDUs.

   e. Public Use Space.

[4] Sec. 25.13.03 – Land Use Tables.

Response: Public use space has been provided in conformance with Sec. 25.17.01
Open Area:
Required: 20%, or 4.83 acres
Provided: 4.88 acres
Public Use Space:
Required: 5% of Site, or 1.2 acre
Provided: 1.4 acres

f. Floor Area Limitation.

Response: This provision does not apply.

<u>25.13.06 - Additional Design Guidelines in the MXE Zone.</u>

1. Aesthetic and Visual Characteristics.
   a. Facades and Exterior Walls.
   b. Roofs.
   c. Materials and Colors.
   d. Materials Not Desired.

Response: Massing, facades, roof design, material and colors of townhomes are more compatible than approved office buildings. The proposed townhomes will comply with this section.

2. Site design and relationship to surrounding community.
   a. Vehicular access. In the MXTD, MXCD, and MXE zones, each site must provide safety and protection to adjacent residential uses by having motor vehicle access only from an arterial, major, or business district road as designated in the plan.

      Response: The plan complies with this requirement.

   b. Buffers. Each site must provide visual and noise buffers to nearby residential uses. This can be accomplished by providing a substantial building setback from a residential use or residentially zoned property that is adjacent to the site. A landscape buffer of substantial width should be provided adjacent to any property line where it adjoins residential uses or zones. The landscape buffer should include a variety of tree types at regular intervals with groupings of trees to provide noise, light, and visual screening. No other uses, such as, but not limited to, parking or storage, are permitted within the buffer area.

      Response: The plan meets and exceeds these standards.

   c. Outdoor Sales and Storage.

Response: This requirement does not apply to the application.

d. Trash Recycling, Waste Oil/Grease Collection Area - Location and Screening

Response: Oil/Grease collection areas are not a part of this application. Trash and recycling areas will meet or exceed the locational and buffering requirements of this section.

e. Parking lots and structures.

Response: Parking has been minimized and landscaping has been used to define vehicular drives. The proposed parking structure has been eliminated in this application and therefore some requirements of this section do not apply to the application.

f. Pedestrian and bicycle flows.

Response: The pedestrian system is logical and interconnected, providing access to adjoining uses and bus stops at the perimeter of the site.

g. Central features and community spaces.

Response: The proposed design has several attractive, and inviting pedestrian scaled features, spaces and amenities as described in the justification.

h. Delivery and loading.

Response: This is no longer a requirement for this application with a land use change from commercial/office to residential.

i. Ancillary uses.

Response: Not applicable to this application.

j. Noise Abatement.

Response: A noise abatement study is no longer required with a land use change from commercial/office to residential.

k. Outdoor lighting.

Response: Outdoor lighting will be in conformance with the Landscape, Screening and Lighting manual.

l. Landscaping.

Response: Landscaping will be in conformance with the Landscape, Screening and Lighting manual.

25.13.07 - Special Design Regulations for Individual Mixed-Use Zones:
25.13.07.c -Mixed-Use Employment Zone (MXE).

1. Building Location.

   Response: Not applicable to this application.

2. Uses by Floor.

   Response: Not applicable to this application.

3. Façade.

   Response: Not applicable to this application.

4. Sidewalks.

   Response: Proposed sidewalks either will meet requirements or will be subject to waiver requests.

5. Parking.

   Response: Parking will comply with Article 16. Structured parking requirements are not applicable to this application.

25.13.07.c.6. Special regulations for residential development in the MXE zone.

1. "Residential uses may be allowed in those areas recommended for such uses in the relevant plan, or where the Mayor and Council or the Planning Commission, as the case may be, determines that the use is compatible with adjoining and confronting uses by means of landscaping, screening, or other measures. In this case, residential development is limited to townhomes, multi-unit, or live-work units. Ground floor retail uses primarily intended to serve the residents may be included."

Response: Townhomes are proposed near adjoining residential uses. Compatibility is enhanced through forest retention, landscaping, screening and expanded setbacks.

2. Residential uses are permitted in buildings containing principally office uses, but are limited to no more than 20 percent of the gross floor area.

   Response: Does not apply to this application.

3. In order to maintain compatibility, residential uses other than live-work units are not permitted in buildings that house primarily service industrial or other primarily industrial uses.

   Response: Does not apply to this application.

25.13.08 – Accessories
All accessory uses within mixed-use zones must comply with the provisions of Article 9.

Response: Noted.

25.13.09 – Nonconformities
All nonconforming uses and structures within mixed-use zones must comply with the provisions of Article 8 of this Chapter.

Response: This section does not apply.

25.13.10 - Parking and Loading Requirements.
All parking and loading within Mixed-Use Zones must comply with the provisions of Article 16 of this Chapter.

Response: Noted.

25.13.11 - Landscape and Buffer Requirements.
All landscaping and buffering within Mixed-Use Zones must comply with the provisions of Article 17 and, where applicable, the Forest and Tree Preservation Ordinance.

Response: As detailed in this justification and elsewhere in the application, landscaping and buffering requirements have been met or exceeded.

25.13.12 – Signs.
All signs within Mixed-Use Zones must comply with the provisions of Article 18 of this Chapter.
Response: Noted.