LINOWES AND BLOCHER LLP
ATTORNEYS AT LAW

May 22, 2014

Barbara A. Sears
301.961.5157
bsears@linowes-law.com

Erin E. Girard
301.961.5153
egirard@linowes-law.com

VIA HAND DELIVERY

Mr. James Wasilak
Chief of Planning
City of Rockville
111 Maryland Avenue, Room 217
Rockville, Maryland 20850

Re: Six Irvington Centre, King Farm: Application for Major Site Plan Amendment

Dear Mr. Wasilak:

On behalf of our client, King Farm Associates, LLC ("KFA"), and pursuant to Section 25.05.07.c of the City of Rockville's Zoning Ordinance ("Zoning Ordinance"), enclosed please find an Application for a Major Amendment to CPD2007-002AM ("F-6 Approval") that will require Level II Site Plan review ("Application"). The intent of the Application is to allow for development of the subject property with approximately 53 residential townhouse units ("Project").

1. Background

The subject property, zoned PD-KF, is currently undeveloped land in the Irvington Centre portion of the King Farm 430.63-acre comprehensive planned development. The property is located at the intersection of King Farm Boulevard and Piccard Drive, near I-270, and is known as Parcel F-6, with a street address of 900 King Farm Boulevard ("Property"). A copy of the Tax Map and relevant tax sheet are attached as Exhibit "A". The Property is approximately 3.41 acres in size and is recorded in the Montgomery County Land Records as Parcel BQ King Farm, Irvington Centre, as shown on Plat No. 23842, a copy of which is attached hereto as Exhibit "B".

2. Previous Approval

The Property is subject to the King Farm Annexation Agreement, effective September 22, 1995 ("Annexation Agreement") and Resolution No. 10-96 approving Concept Plan CPD 95-0002, approved by the Mayor and Council on July 8, 1996 ("Original Concept Plan"). As referenced above, a Detailed Application for the Property was approved by the Planning Commission by

Resolution dated December 3, 2007, a copy of which is attached as Exhibit "C". The F-6 Approval consists of a 262,717 square-foot office building and associated parking structure.

3. Proposed Project

On May 21, 2013, KFA requested the Mayor and Council's consent for the Project pursuant to the Annexation Agreement and Concept Plan, which consent was granted on September 9, 2013 by Resolution No. 9-13, a copy of which is attached as Exhibit "D". The Application will implement this approval by permitting the design and construction of 53 townhouse units, including 12.5% moderately priced dwelling units, on the Property. The proposed townhouses will have garages in the rear and will front on Piccard Drive and King Farm Boulevard, creating a strong urban edge. The townhouses will be four stories in height with a flat roof design. As shown on the elevations included in the Application, the townhouse massing and building materials will provide complementary architecture to the surrounding uses, including Irvington Centre and the Upper Rock development. The townhouses will be approximately 1,700 to 2,200 square feet in size, with rear decks and rooftop terraces. Moderately priced units will be interspersed throughout the Property. The Property will also have a pocket park for community use, as well as additional visitor parking.

4. Community Outreach

A Pre-Application Area Meeting Application was filed with the City on September 23, 2013. A Pre-Application Area Meeting was then held on October 9, 2013. As shown in the enclosed Pre-Application Meeting materials, only one person attended the meeting and expressed support for the Project. An Application for a Major Site Plan Amendment was then filed on October 23, 2013[1], and a Post-Application Community meeting was held on November 6, 2013. As shown in the enclosed Post-Application Meeting materials, only two people attended that meeting.

5. Compliance with Zoning Ordinance's Site Plan Requirements

The Project satisfies the requirements of Section 25.07.01.a.3 of the Zoning Ordinance. First, it will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed development, be detrimental to the public welfare, or be injurious to property or improvements in the neighborhood. The Project will instead improve currently vacant land with attractive, new residential units that will activate the area.

[1] This filing was not ultimately formally accepted by the City. However, the project proposed in that application is substantially similar to that proposed in this Application and, per Mr. Ray, another Post-Application Community meeting is not required.

Second, the Project will not overburden existing and programmed public facilities. Pursuant to the Annexation Agreement and Original Concept Plan, all of the City's adequate public facilities requirements for the Project have been satisfied. It is noted, however, that the replacement of the previously approved office uses with the proposed townhouse units will significantly decrease the number of traffic trips generated by the Property and required parking, as explained more fully in the Wells & Associates Memorandum dated August 30, 2013 that is included in the Application.

Third, the Project will not adversely affect the natural resources or environment of the City or surrounding areas. Environmental impacts, including forest conservation and stormwater management, were largely addressed as part of the Annexation Agreement and the Original Concept Plan. Included in the Application is an e-mail from Wayne Noll, City Forester, confirming that the Forest and Tree Preservation Ordinance has previously been met by the overall King Farm Forest Conservation Plan, and a letter dated May 6, 2014 from Susan Straus, Chief of Engineering, conditionally approving the Pre-Application Stormwater Management Concept for the Project.

Fourth, the Project is not in conflict with the Plan, as defined in the Zoning Ordinance, and further complies with the Annexation Agreement, Original Concept Plan, and Resolution No. 9-13. Additionally, for the reasons stated above, and as addressed in the Application materials, the Project does not constitute a violation of any provision of the Zoning Ordinance or other applicable law.

Finally, the Project will not be incompatible with the surrounding uses or properties, but rather will complement the surrounding uses, many of which are residential, retail and office, as well as a hotel. The additional residential uses will strengthen the mixed-use character of King Farm, adding activity that will enliven the area and benefit the community. The Project is also well served by the existing King Farm shuttle and is within easy walking distance of the future Corridor Cities Transitway station on King Farm Boulevard.

Parking, lighting, open space and landscaping for the Project are all in accord with Concept Plan Resolution No. 10-96 and the King Farm Design Guidelines. No new signage is proposed as part of the Project. Landscaping, Screening and Lighting Plans in compliance with these requirements are enclosed with the Application.

For all of these reasons, the Project complies with the City's Site Plan requirements.

5. <u>List of enclosures</u>

Enclosed please find copies of each of the following, associated with the Application:

(1) Completed Application for Major Site Plan Amendment;

(2) Checks for the necessary filing fees;

(3) Pre-Application Meeting documentation;

(4) A detailed site plan prepared by a professional engineer (12 copies);

(5) Preliminary building elevations and floor plans (3 copies);

(6) Transportation Scoping Intake Form and associated Wells & Associates Memorandum;

(7) Landscape Plans (6 copies);

(8) May 6, 2014 Letter from Susan Straus confirming conditional approval of Pre-Application Stormwater Management Concept;

(9) Email from City Forester regarding compliance with the Forest and Tree Preservation Ordinance;

(10) Fire Protection Site Plan;

(11) ELEED credit checklist;

(12) Post-Application Meeting documentation.

We look forward to working with you on this matter. If you have any questions or concerns, or need any additional information, please feel free to contact us.

Very truly yours,

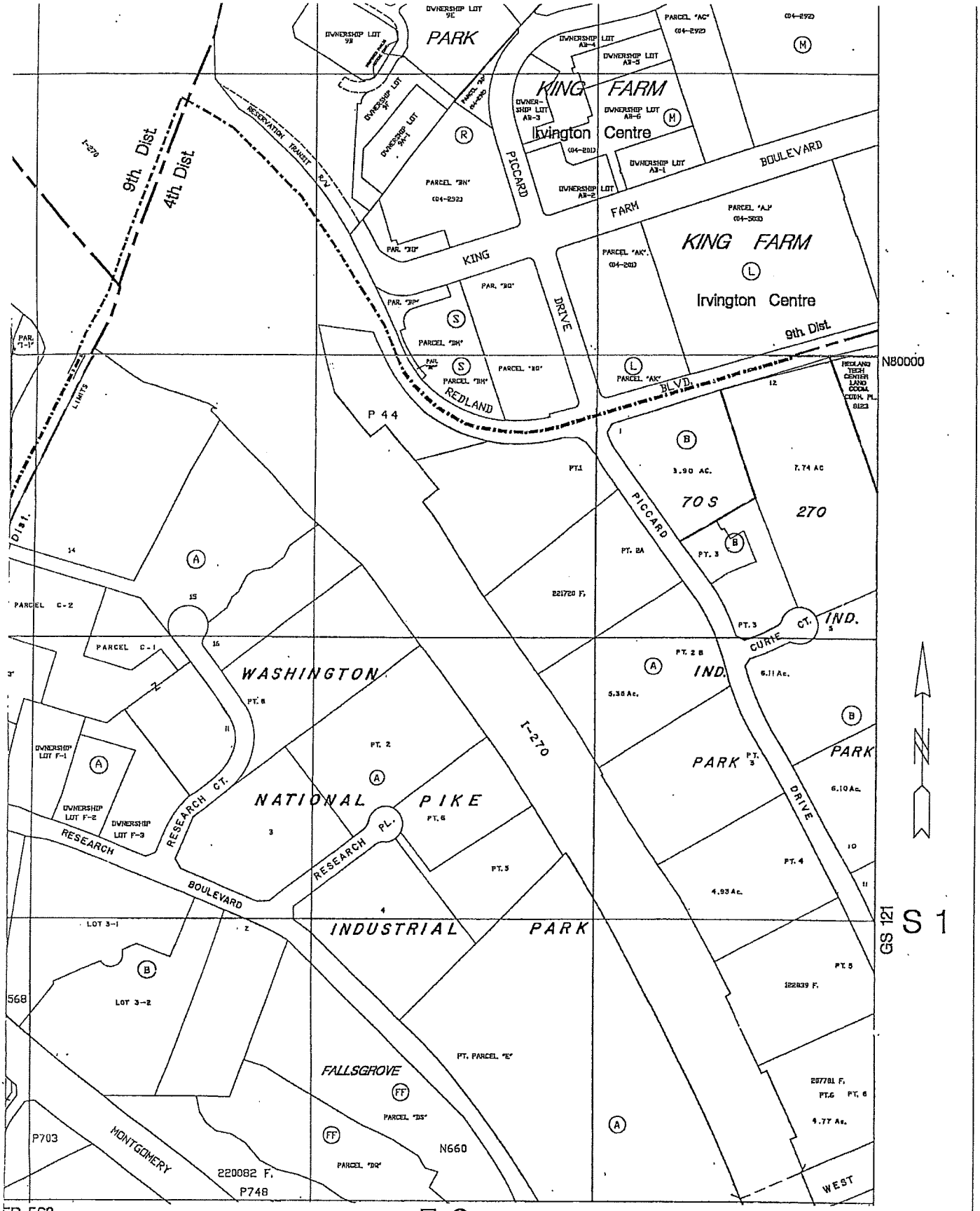
LINOWES AND BLOCHER LLP

Barbara A. Sears

Erin E. Girard

Enclosures

cc: Mr. Jeremy Hurlbutt
Mr. Bobby Ray
Ole Kollevoll, Jr., Esq.
Mr. Tim McDonald
Mr. Harris Schwalb
Mr. Howard Katz



MAP FS 561
W.S.S.C. 220 NW 09
Location: DECOVERLY HALL

Exhibit "A"

Real Property Data Search (w4)

Search Result for MONTGOMERY COUNTY

Search Help

View Map | View GroundRent Redemption | View GroundRent Registration

Account Identifier: District - 04 Account Number - 03635877

Owner Information

Owner Name: KING FARM ASSOCIATES L L C

Mailing Address: C/O OLAV KOLLEVOL
8330 BOONE BLVD #460
VIENNA VA 22182-2624

Use: COMMERCIAL
Principal Residence: NO
Deed Reference: 1)
2)

Location & Structure Information

Premises Address: 900 KING FARM BLV
ROCKVILLE 20850-0000

Legal Description: PAR BQ KING FARM
IRVINGTON CENTRE

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
FS62	0000	0000		0292		S		2012	Plat Ref:	23842

Special Tax Areas:
Town: ROCKVILLE
Ad Valorem:
Tax Class: 4

Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use
			148,741 SF	910

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation

Value Information

	Base Value	Value As of 01/01/2012	Phase-in Assessments As of 07/01/2013	As of 07/01/2014
Land:	950,400	950,400		
Improvements	0	0		
Total:	950,400	950,400	950,400	950,400
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2013	07/01/2014
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Tax Exempt:
Special Tax Recapture:
Exempt Class: NONE

Homestead Application Information

Homestead Application Status: No Application

1. This screen allows you to search the Real Property database and display property records.
2. Click here for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

PLAT NO. 23842

OWNERS' DEDICATION

We, the undersigned, owners of the property described hereon, hereby adopt this plan of subdivision, establish the minimum building restriction lines (lines are applicable) and grant to the City of Rockville, Maryland, known hereinafter as the "City", a slope easement ten (10) feet wide across the property adjacent, parallel and contiguous to King Farm Boulevard and Piccard Drive as shown, said slope easement shall be extinguished at such time as the public improvement on the abutting right of way has been completed and accepted for maintenance by the "City".

Further, we grant to the "City" a sidewalk maintenance easement designated hereon as "SME" for the construction, reconstruction, maintenance and operation of sidewalks.

As owners of this subdivision, we, our successors, agents and assigns will cause corner markers and any other required monumentation to be set by a registered Maryland land surveyor.

There are no recorded suits, actions at law, liens, leases, mortgages or, trusts affecting the property included in this plat of subdivision.

KING FARM ASSOCIATES, L.L.C. (formerly known as Helios/Towle, L.L.C.)

A-30008

OLAV B. KOLLEVOLL, JR. — DATE — WITNESS — 8/26/03

Authorized Person

NOTES:

1.) Existing Zoning is O-3/CPD. Development is in accordance with the approved Concept Plan CPD95-0002, as amended and Detailed Application CPD2007-002AM.

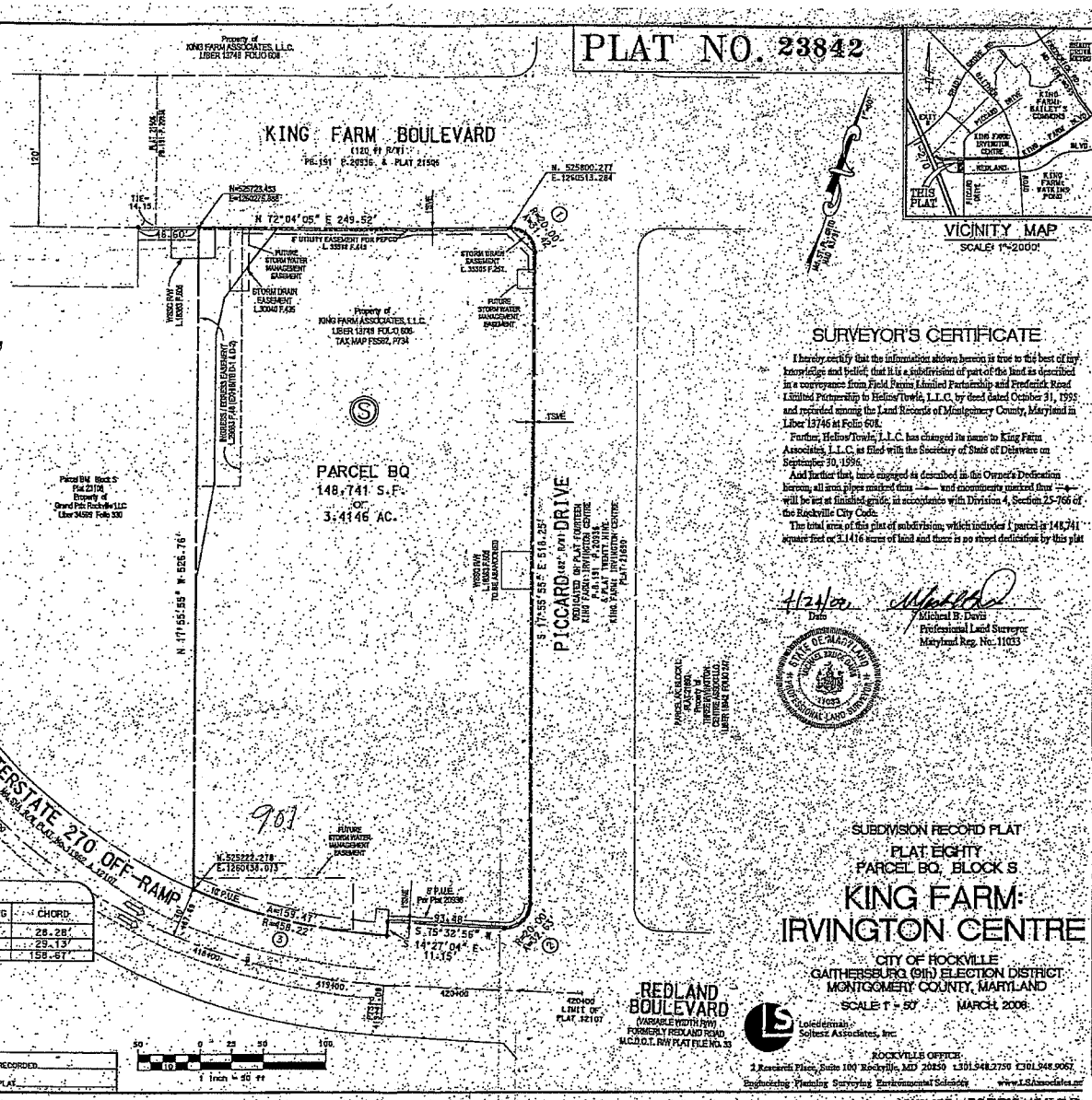
2.) This development is subject to approved Concept Plan CPD95-0002, as amended and approved Detailed Application CPD2007-002AM. All terms, conditions, agreements, limitations, and requirements associated with the approved concept plan and detailed application(s) are intended to survive, and not be extinguished by the recordation of this plat, unless satisfied by, or prior to, the recordation of this plat.

3.) SME = Sidewalk Maintenance Easement

4.) Parcel BQ, Block S is subject to a Temporary Parking Easement recorded among the Land Records of Montgomery County, Maryland in Liber 29663 at Folio 48 and also subject to a Temporary Storm Drain Easement recorded among said Land Records in Liber 30040 at Folio 450.

5.) Parcel BQ, Block S is subject to Stormwater Management Easement /Agreement to be recorded among the Land Records of montgomery County, Maryland.

RECEIVED
JUN - 3 2008
Clerk of the Circuit Court
Montgomery County, Md.



SURVEYOR'S CERTIFICATE

I hereby certify that the information shown hereon is true to the best of my knowledge and belief; that it is a subdivision of part of the land as described in a conveyance from Field Farms Limited Partnership and Frederick Road Limited Partnership to Helios/Towle, L.L.C. by deed dated October 31, 1995 and recorded among the Land Records of Montgomery County, Maryland in Liber 13746 at Folio 608.

Further, Helios/Towle, L.L.C. has changed its name to King Farm Associates, L.L.C. as filed with the Secretary of State of Delaware on September 30, 1996.

And further that, have engaged as described in the Owner's Dedication hereon, all iron pipes marked thus —●— and monuments marked thus —+— will be set at finished grade, in accordance with Division 4, Section 25-766 of the Rockville City Code.

The total area of this plat of subdivision, which includes 1 parcel is 148,741 square feet or 3.1416 acres of land and there is no street dedication by this plat

4/24/08
Date

Michael B. Davis
Professional Land Surveyor
Maryland Reg. No. 11033

STATE OF MARYLAND — MICHAEL BRUCE DAVIS — No. 11033 — PROFESSIONAL LAND SURVEYOR

VICINITY MAP
SCALE: 1"=2000'

SUBDIVISION RECORD PLAT
PLAT EIGHTY
PARCEL BQ, BLOCK S

KING FARM: IRVINGTON CENTRE

CITY OF ROCKVILLE
GAITHERSBURG (9th) ELECTION DISTRICT
MONTGOMERY COUNTY, MARYLAND

SCALE 1" = 50' — MARCH, 2008

Loiederman Soltesz Associates, Inc.

ROCKVILLE OFFICE
2 Research Place, Suite 100 Rockville, MD 20850 (301.948.2750 (301.948.9067
Engineering Planning Surveying Environmental Sciences www.LSAssociates.com

P:\901-00\Phase3\SURVEY\Plat\PLAT_80_FE

CURVE DATA

No.	DELTA	RADIUS	ARC	TANGENT	CHORD BEARING	CHORD
1.	90°00'00"	20.00'	31.42'	20.00'	S52°55'55"E	28.28'
2.	93°28'51"	20.00'	32.63'	21.25'	S28°48'30"W	29.13'
3.	19°56'25"	456.22'	159.47'	80.55'	S85°31'06"W	158.67'

FOR PUBLIC SEWER AND WATER SYSTEMS ONLY

THE CITY OF ROCKVILLE PLANNING COMMISSION
ROCKVILLE, MARYLAND.
APPROVED September 26, 2007
WITHOUT COMMITMENT TO THE INSTALLATION OF WATER, SEWER AND STREETS
CHAIR — CITY MANAGER

RECORDED
PLAT

Exhibit "B"

HLA Sh. 1345 29445

City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

Community Planning and
Development Services
240-314-8200
TTY 240-314-8137
FAX 240-314-8210

Historic Preservation Office
240-314-8230

Inspection Services Division
240-314-8240

Long Range Planning
Division
240-314-8200

Planning Division
240-314-8220

Revitalization/Housing Division
240-314-8200

MAYOR
Susan R. Hoffmann

COUNCIL
John B. Britton
Piotr Gajewski
Phyllis Marcuccio
Anne M. Robbins

CITY MANAGER
Scott Ullery

CITY CLERK
Claire F. Funkhouser

CITY ATTORNEY
Paul T. Glasgow

December 3, 2007

Mark Gregg
King Farm Associates, LLC
8330 Boone Boulevard, Suite 460
Vienna, VA 22182

Re: Comprehensive Planned Development Detailed Application CPD2007-002AM, Final approval for a 262,717 square foot office building at the intersection of King Farm and Piccard Boulevard.

Dear Mr. Gregg:

At its meeting of September 26, 2007, the City of Rockville Planning Commission reviewed and conditionally approved the above-referenced Detailed Application. The application is for final approval of a 262,717 square foot office building and associated parking structure.

Approval is subject to the following conditions:

1. Submission, for approval of the Chief of Planning, of eleven (11) copies of the site plan (no larger than 30 inches by 42 inches), to be submitted prior to submission of a building permit for building construction and Public Works Permit approvals.

   a. The proposed offsite crosswalk, located in the existing Piccard Drive right-of-way, is subject to Department of Public Works review and approval. The applicant will fund a pedestrian movement signalization or equivalent crosswalk mitigation measure related to the mid-block crosswalk between F-3 and F-6 building sites on Piccard Drive, as warranted in the future and determined by the Department of Public Works.

2. Submission for the approval of the Chief of Planning, of eleven (11) final copies of the landscape plan (no larger than 30 inches by 42 inches) to be submitted and attached to the site plan prior to submission of a building permit for building construction and Public Works permit approvals, revised according to Planning Commission Exhibit B to include:

   a. Change note 3.10 to say "every week" not "every two weeks"
   b. Added to note 3.14 "for street trees, entire basket must be removed."
   c. Changes to plant list:
      i) ACE 4 caliper to read [3"-2 1/2"]
      ii) ILEO 14- Botnical to [fosters], common to [holly]
      iii) ILEO 3- Botnical to [fosters], common to [holly], height to [7'-8']
      iv) PIN 10- Qty [9, Picea omorika, serbian spruce, 7'-8']
      v) FI 24- botanical name[itea virginia 'hemry's garnet', sweet spire]

Exhibit "C"

vi) ILC 40-botanical name[Rhodo. 'P.J.M. Princess Susan ', PJM Prin. Su. Rhodo

vii) PLS 58 - use Mt. Laural a long Piccard Dr. BLDG. beds instead of Skip Laurel

3. All structures must meet the requirements of the City's construction codes, the Fire and Life Safety Codes, Maryland Building Code for the Handicapped and the Federal ADA requirements.

4. Permits for signs must be obtained from the Division of Inspection Services, according to guidelines established in the King Farm Sign Program.

5. The applicant shall comply with the City's Publicly Accessible Art in Private Development Ordinance. Applicant must provide a concept plan for approval, prior to issuance of building permits and must fulfill the art requirement prior to issuance of the occupancy permit. If the applicant does not wish to provide for art, they must provide a fee-in-lieu based on the current fee schedule at the time of building permit submission. This fee must be received prior to the issuance of building permit.

6. All utilities installed within the property, including transformers, are to be located underground or within buildings, except as provided by existing approvals or waivers granted.

7. Abandon existing utilities and/or utility stubs or connections within the public right-of-way that are not necessary for new construction.

8. Submit plans and computations for review and approval by DPW for stormwater management, sediment control and work within the public right-of-way.

9. Post bonds and obtain all necessary permits from the DPW (Sediment Control, Public Works and Stormwater Management Permits).

10. Comply with the SWM Concept approval letter dated June 27, 2007. Specifically, comply with the following conditions that are included in this letter:

    a. Provide safe conveyance of storm flows to Piccard Pond.
    b. Submit Stormwater Management Permit (SMP) application and pay applicable permit fees.
    c. Submit detailed drainage area study, storm drain and stormwater management plans and computations for approval by Department of Public Works (DPW). Submit for review and approval the construction estimates and MDE SWM database forms.

d. Post financial security based upon the approved construction estimate in a format acceptable to the City Attorney. Approval is coordinated through DPW staff.

e. Submit a SWM Easement /Maintenance Agreement signed by the property owners for review and approval. Approved SWM Easement/Maintenance Agreement must be recorded in the Montgomery County Land Records prior to DPW permit issuance.

f. Piccard Pond must be graded to meet the original grades as approved under SCP2004-00019. Once regrading is complete a field survey shall be performed to verify that grades meet those grades approved under SCP2004-00019. The grading work and the survey verification plans must be submitted to the Department of Public Works prior to the issuance of the building permit for the F-6 Office building.

11. A signing and marking plan shall be submitted to DPW and approved by the Chief of Traffic and Transportation prior to the issuance of DPW permits, except those onsite permits related to sediment and erosion control, clearing and grubbing, grading, sanitary sewer lines and water lines. All internal and external traffic control devices (i.e. signs, signals, marking and devices placed on, over or adjacent to a roadway or pathway to regulate, warn or guide pedestrians and/or vehicular traffic) shall comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). Submit approved copies of the signing and marking plan as part of the signature set.

12. On surrounding roads, one lane closest to the site may be closed during construction of either building. Stopping sight distance must be guaranteed at all times. No additional lane closures will be permitted.

13. Provide written confirmation that the Hotel agrees to the proposed work on their site prior to issuance of DPW permits.

14. Ensure that the Recharge facility on the Hotel site will continue to function properly when the garage is constructed. Provide more detailed information on the location of the garage in relation to the hotel recharge facility. If the City determines that the facility cannot function as designed then the facility must be relocated/re-designed.

15. Provide copies of all easement documents and provide all necessary access and maintenance agreements between the F-6 site and Sheraton Hotel site prior to issuance of DPW permits.

16. Coordinate with WSSC regarding future sewer upgrades needed to accommodate new development north of this site.

17. Site must be surveyed prior to submission of detailed engineering plans to provide updated topography and existing site features.

18. The garage vehicular access closer to Piccard Drive shall be designated as right-in / right-out only to prevent vehicles turning left into the parking structure from blocking Piccard Drive. The City may direct the Owner, at any time in the future, to modify the access from the parking structure to one-way out, if vehicle backup is observed to block the Piccard Drive right of way. Said modification cost shall be borne solely by the Owner.

19. A Release and Extinguishment of the storm drain easement for the existing drainage pipe shall be submitted to the City for Mayor and Council Approval. Applicant must submit appropriate plans and legal descriptions to the Department of Public Works within three months of Planning Commission approval for both extinguishment of existing storm drain easement and the grant of relocated easement.

20. That adequate parking be available for hotel at all times during construction.

Your attention is directed to Section 25-658 of the City of Rockville Zoning and Planning Ordinance, which specifies the effect of approval of a Detailed Application. Section 25-193(d) of the Zoning Ordinance requires that **construction or operation must commence within two (2) years of the date of this letter (April 25, 2008) or application approval shall expire.** If the Applicant can show just cause, a maximum of two (2) time extensions may be granted by the Planning Commission, each not to exceed one year. However, time extensions are not automatically approved, and sufficient detail and justification will be required in order for the Planning Commission to consider granting an extension.

By Direction of the City of Rockville
Planning Commission

R. James Wasilak

R. James Wasilak, AICP
Chief of Planning

Note: A building permit may be issued only when the conditions of approval have been met and a copy of the following acknowledgment, signed and executed by the Applicant, has been returned to the Planning Division office. Be advised that this approval does not constitute approval by any department or agency having jurisdiction over this development project.

I ACKNOWLEDGE RECEIPT OF CPD2006-004AB, AND AGREE TO FULLY COMPLY WITH CONDITIONS UPON WHICH APPROVAL WAS GRANTED. I FURTHER ACKNOWLEDGE THAT FAILURE TO COMPLY WITH THESE CONDITIONS MAY CAUSE APPROVAL TO BE REVOKED BY THE PLANNING COMMISSION.

By: [signature] 12/3/07
Applicant's Signature Date

ORAV B. BOLLEVOLL JR. 12/3/07
Applicant's Printed Name Date

cc:

Charles Baker, Chief of Inspection Services
Mike Wilhelm, Chief of Contract Management
Susan Straus, Chief of Engineering/Environment
Emad Elshafei, Chief of Traffic and Transportation
Christine Henry, Recreation and Parks Administrative Services Manager
Mark Wessel, Civil Engineer III
Nazar Saleh, Civil Engineer II
Craig Daly, Civil Engineer II - Environment
Elise Cary, Assistant City Forester
Sondra Block, Assistant City Attorney
Tamara Dietrich, Zoning Inspector
Maria Broadbent, Neighborhood Resources Coordinator
Jeremy Hurlbutt, Planner I
Planning Commission
Application File

Jdh/

City of Rockville
111 Maryland Avenue
Rockville, Maryland
20850-2364
www.rockvillemd.gov

Community Planning and Development Services
240-314-8200
TTY 240-314-8137
FAX 240-314-8210

Historic Preservation Office
240-314-8230

Inspection Services Division
240-314-8240

Long Range Planning Division
240-314-8200

Planning Division
240-314-8220

Revitalization/Housing Division
240-314-8200

MAYOR
Phyllis Marcuccio

COUNCIL
John B. Britton
Piotr Gajewski
Bridget Donnell Newton
Mark Pierzchala

CITY MANAGER
Scott Ullery

CITY CLERK
Claire F. Funkhouser

CITY ATTORNEY
Debra Yerg Daniel

January 5, 2010

Mark Gregg
King Farm Associates, LLC
C/o the Penrose Group
8330 Boone Blvd, Suite 460
Vienna, Virginia 22182

Re: Time Extension for Detailed Application CPD2007-002AM, King Farm F-6 Office Building, 900 King Farm Boulevard.

Dear Mr. Gregg:

At its meeting on December 16, 2009, the Planning Commission granted a one-year time extension for Detailed Application CPD2007-002AM. The validity period for the approved Detailed Application, for a 262,717 square foot office building and associated parking structure at the southwest corner of King Farm Boulevard and Piccard Drive, has been extended to December 3, 2010.

Section 25.08.02.b.1 of the Zoning Ordinance requires that construction under a detailed application approved prior to March 16, 2009 must commence within two years of the approval letter of the Approving Authority or the detailed application will expire. A total of two extensions of one year each may be granted by the Planning Commission for good cause shown. Therefore, one additional time extension is possible.

Sincerely,

R. James Wasilak

R. James Wasilak, AICP
Chief of Planning

cc: Debra Yerg Daniel, City Attorney
Charles Baker, Chief of Inspection Services
Craig Simoneau, Director of Public Works
Susan Straus, Chief Engineer-Environment
Emad El-Shafei, Chief of Traffic and Transportation
Jeremy Hurlbutt, Planner II
Craig Daly, Civil Engineer II-Environment
Elise Cary, Assistant City Forester
Mark Wessel, Civil Engineer III

Resolution No. 9-13 RESOLUTION:

To approve with conditions of King Farm Associates for additional Residential Units at King Farm

WHEREAS, on July 8, 1996, the Mayor and Council approved Resolution No. 10-96 approving CPD 95-0002 ("Concept Plan Application") for a comprehensive planned development on 430.63 acres, more or less, called the "King Farm," located east of Interstate 270, north of Gude Drive, south of Shady Grove Road, and west of Frederick Road (MD 355) in accordance with the plans submitted under the O-3 zoned Comprehensive Planned Development Special Development Procedure Provisions of the City of Rockville Zoning and Planning Ordinance (the "Approved Concept Plan"); and

WHEREAS, Resolution No. 10-96 approved, *inter alia*, 3,100,700 square feet of office space and 3,200 residential units with the provision that the 3,200 residential units may be increased to 3,600 residential units subject to the approval of the Mayor and Council; and

WHEREAS, King Farm was annexed into the City of Rockville from Montgomery County, effective September 22, 1995, and an annexation agreement was signed on August 7, 1995 by Helios/Towle LLC, now known as King Farm Associates, and the Mayor and Council of Rockville to outline issues related to the future development of the property ("Annexation Agreement"); and

WHEREAS, the Annexation Agreement provides that the King Farm will, *inter alia,* be developed with 3,200 dwelling units and that King Farm Associates as owner may increase the number of residential dwelling units to be constructed at King Farm to 3,600 dwelling units, subject to the reasonable approval of the Mayor and Council of Rockville; and

Exhibit "D"

WHEREAS, the additional 400 dwelling units allowed by Resolution 10-96 and the Annexation Agreement were included at the time the Comprehensive Planned Development was reviewed by the Mayor and Council and were found to meet the required findings of the Zoning and Planning Ordinance for approval, including the availability of adequate public facilities; and

WHEREAS, the Approved Concept Plan consists of Resolution No. 10-96 and all exhibits in Resolution No. 10-96 listed in Paragraph I thereof, including Exhibit 2A-D, entitled "Land Use Plan"; and

WHEREAS, the Land Use Plan approved as part of the Approved Concept Plan designates Irvington Centre, which includes Parcel F-5 and Parcel F-6, for use as "Office – 3-12 stories" and provides that 300 residential units may be located in the Office Designated Area; and

WHEREAS, on August 4, 2003, the Mayor and Council approved Resolution No. 25-03, approving Concept Plan Application CPD 1995-0002A ("First Amendment Application"), to allow a maximum square footage of 175,000 square feet of hotel use, including ancillary uses, as an alternative use to an equivalent amount of approved office space in one of three undeveloped areas; and

WHEREAS, on March 14, 2005, the Mayor and Council adopted Resolution No. 6-05 approving Amended Concept Plan Application CPD 1995-0002A ("Second Amended Concept Plan Application") to allow a maximum of 1,200,000 square feet of independent living, assisted living, and/or nursing home uses, and related recreation and commercial use facilities, as an alternative use to an equivalent amount of approved office space in an undeveloped area (collectively, the Approved Concept Plan, First Amended Concept Plan and Second Amended Concept Plan hereinafter called the "Concept Plan"); and

WHEREAS, to date 3,200 dwelling units, including 350 MPDUs, have been constructed at King Farm; and

WHEREAS, on May 21, 2013, King Farm Associates filed a letter submission with the Mayor and Council pursuant to the Annexation Agreement and Concept Plan requesting approval of 144 residential units on two sites located in the Irvington Centre office area of King Farm, identified as Parcels F-5 and F-6 (the "Residential Request"); and

WHEREAS, the Planning Commission, at its meeting of July 10, 2013, reviewed the Residential Request and forwarded its recommendation for approval to the Mayor and Council of Rockville by memorandum dated July 18, 2013; and

WHEREAS, King Farm Associates gave notice that a public hearing on the Residential Request would be held by the Mayor and Council of Rockville on July 29, 2013; and

WHEREAS, on July 29, 2013, the Residential Request came on for hearing before the Mayor and Council; and

WHEREAS, the matter having been fully considered by the Mayor and Council, the Mayor and Council having decided that approval of King Farm Associates' request for 144 residential units located on Parcels F-5 and F-6 would promote the health, safety and general welfare of the citizens of Rockville, the Mayor and Council further finding pursuant to the Annexation Agreement, Concept Plan, the Planning Commission Recommendation dated July 18, 2013, and the public hearing of July 29, 2013, as well as the remaining matters contained in the Record, that the development proposed by the Residential Request, subject to the conditions, limitations, additions and modifications set forth herein, maintains the findings made at the time of approval of the Approved Concept Plan for the entire King Farm as follows:

1. Will not adversely affect the health or safety of persons who will reside or work in the neighborhood of the proposed development; and

2. Will not be detrimental to the public welfare or injurious to property or improvements located or to be located in or adjacent to the development; and

3. Will not be inconsistent with the intent or purpose of Article XII, Division 7, and the Concept Plan; and

4. Will not be contrary to the requirements contained in Division 5 of Article XII; and

5. Will not overburden public services including water, sanitary sewer, public roads, storm drainage or other public improvements; and

6. Complies with the development standards and requirements set forth in Division 7 of Article XII; and

7. Complies with any applicable development staging and adequate public facilities requirements included in the Concept Plan; and

8. Complies with the provisions of Chapter 25 of the Zoning and Planning Ordinance; and

9. Will not be inconsistent with the Plan as said term is defined in Chapter 25 of the Zoning and Planning Ordinance; and

10. Will not adversely affect the health or safety of persons residing or working in the subdivision or neighborhood; and

11. Will be suitable for the type of development, the use contemplated, and available public utilities and services; and

12. Will not unreasonably disturb existing topography, in order to minimize stormwater runoff and to conserve the vegetation cover and soil.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that the Residential Request be, and the same is hereby, approved with the following terms, conditions and limitations: herein.

A. A total of 144 townhouse dwelling units, including 12.5 percent Moderately Priced Dwelling Units, may be constructed on King Farm Parcels F-5 and F-6.

B. Upon approval of a Site Plan pursuant to Article 7 of the Zoning Ordinance of the City of Rockville and consistent with this Resolution (the "Site Plan"), the total remaining approved and unbuilt office density for the King Farm shall be reduced on a one square foot to one basis by the estimated square footage of a townhouse unit (2400 square feet) multiplied by the total number of dwelling units (144) approved by the Site Plan (total of 345,500 square feet).

* *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution adopted by the Mayor and Council at its meeting of September 9, 2013.

Douglass A. Barber

Douglass Barber, , City Clerk