1. Review and Action

   A. Level 2 Site Plan Application STP2022-00433, for the Construction of Approximately 252 Townhomes and 118 Two-Over-Two Stacked Condominium Multi-Family Units in the MXCD (Mixed Use Corridor District) at 16200 Frederick Road; EYA Development, LLC, Applicant

2. Commission Items

   A. Staff Liaison Report

   B. Old Business

   C. New Business

   D. Minutes Approval
1. January 12, 2022

E. FYI/Correspondence

3. Adjourn
PLANNING COMMISSION ONLINE MEETING and PUBLIC HEARING PROCEDURES

I. Meeting Platform: WebEx
   A. Applicant Access: Provided by Planning and Development Services/IT
   B. Access for Oral Testimony and Comment: Provided by PDS/IT (see below)

II. Pre-Meeting Preparations/Requirements:
   A. Written Testimony and Exhibits –
      Written testimony and exhibits may be submitted by email to Jim Wasilak, Staff Liaison to the Planning Commission, at jwasilak@rockvillemd.gov, or by mail to:
      Suzan Pitman, Chair
      Rockville Planning Commission
      111 Maryland Avenue
      Rockville, MD 20850
      and must be received no later than nine (9) days in advance of the hearing in order to be distributed with the Planning Commission briefing materials.
      Written testimony and exhibits received after this date until 4:00 pm on the day before the hearing will be provided to the Planning Commission by e-mail.
   B. WebEx Orientation for Applicants
      Applicants must contact the planning case manager assigned to the Application no later than five (5) days in advance of the hearing in order to schedule WebEx orientation, which must be completed prior to the hearing.
   C. Oral Testimony by Applicants and the Public
      i. Applicants – Applicants must provide to the planning case manager a list of presenters and witnesses who will testify on behalf of the Application. The list must be provided to the PDS Staff project manager no later than five (5) days prior to the date of the hearing.
      ii. Public Testimony/Comment on an Application – Any member of the public who wishes to comment on an Application must submit their name and email address to the Staff Liaison to the Planning Commission Jim Wasilak (by email at jwasilak@rockvillemd.gov) no later than 9:00 am on the day of the hearing to be placed on the testimony list. Members of the public who
seek technical assistance from City staff must submit their name and email address to Jim Wasilak no later than two (2) days in advance of the hearing so that an orientation session may be scheduled.

If a member of the public is unable to meet the deadline to be placed on the testimony list, they can submit written testimony to the Staff Liaison to the Planning Commission by email to jwasilak@rockvillemd.gov.

III. Conduct of Online Meeting and Public Hearing:

A. Rules of Procedure –
The Meeting and Public Hearing will be held in accord with the Planning Commission Rules of Procedure, including the order of testimony and applicable time limits on testimony. The Rules may be viewed here: https://www.rockvillemd.gov/DocumentCenter/View/2023/Planning-Commission---Rules-of-Procedure?bidId=

B. Oral Testimony –
During the hearing, the Chair will sequentially recognize each person on the testimony list and ask the host to allow the speaker to speak. Each speaker must wait to be specifically recognized by the Chair before speaking. If during the hearing a party wishes to speak or a speaker wishes to request the opportunity to engage in cross-examination following specific testimony, the party must contact the Staff Liaison/Host by email at jwasilak@rockvillemd.gov or by text at (202) 839-0305 with the specific request. The Host/Staff Liaison will inform the Commission. The Chair will determine if the party may be heard.

C. Continuance of Hearing –
The Planning Commission, at its discretion, reserves the right to continue the hearing until another date.
HELPFUL INFORMATION FOR STAKEHOLDERS AND APPLICANTS

I. GENERAL ORDER OF SESSION FOR DEVELOPMENT APPLICATIONS
   1. Staff presentation
   2. City Board or Commission comment
   3. Applicant presentation (10 min.)
   4. Public comment (3 min, or 5 min for the representative of an association)
   5. Planning Commission Discussion and Deliberation
   6. Decision or recommendation by vote

The Commission may ask questions of any party at any time during the proceedings.

II. PLANNING COMMISSION BROADCAST
   • Watch LIVE on Comcast Cable Rockville Channel 11 and online at: www.rockvillemd.gov
   • Replay on Comcast Cable Channel 11:
      - Wednesdays at 7:00 pm (if no live meeting)
      - Sundays at 7:00 pm
      - Mondays, Thursdays and Saturdays at 1:00 pm
      - Saturdays and Sundays at 12:00 am (midnight)
   • Video on Demand (within 48 hours of meeting) at: www.rockvillemd.gov/VideoOnDemand.

III. NEW DEVELOPMENT APPLICATIONS
   • For a complete list of all applications on file, visit: www.rockvillemd.gov/DevelopmentWatch.

VI. ADDITIONAL INFORMATION RESOURCES
   • Additional resources are available to anyone who would like more information about the planning and development review process on the City’s web site at: www.rockvillemd.gov/cpds.

Maryland law and the Planning Commission's Rules of Procedure regarding ex parte (extra-record) communications require all discussion, review, and consideration of the Commission's business take place only during the Commission's consideration of the item at a scheduled meeting. Telephone calls and meetings with Commission members in advance of the meeting are not permitted. Written communications will be directed to appropriate staff members for response and included in briefing materials for all members of the Commission.
SUBJECT:

Level 2 Site Plan Application STP2022-00433, for the Construction of Approximately 252 Townhomes and 118 Two-Over-Two Stacked Condominium Multi-Family Units in the MXCD (Mixed Use Corridor District) at 16200 Frederick Road; EYA Development, LLC, Applicant

RECOMMENDATION

(Include change in law or Policy if appropriate in this section):

Staff recommends approval of Site Plan STP2022-00433, to construct up to 370 dwelling units, including 252 townhomes and 118 two-over-two stacked condominium multi-family units at 16200 Frederick Road, based on the findings and conditions of approval contained in this report.
Overview

Case: STP2022-00433

Location: 16160/16200 Frederick Road

Staff: Sachin Kalbag, AICP, Principal Planner
Planning and Development Services
skalbag@rockvillemd.gov

Applicant: EYA Development, LLC
8800 Hampden Lane, Suite 300
Bethesda, MD 20814

Filing Date: May 3, 2021

Executive Summary

EYA Development, LLC (“EYA”), filed Project Plan Application PJT2021-00013 (“Project Plan Application”), pursuant to Section 25.07.07 of the Zoning Ordinance, proposing up to 370 dwelling units, including 252 townhouses with front and rear-loaded garages and 118 two-over-two stacked condominium multi-family units, of which 58 units are moderately priced dwelling units (MPDUs) (the “Project”), on approximately 20.35 acres of property located at 16160/16200 Frederick Road and Parcel P170 (the “Property”). The Project Plan Application was approved by the Mayor and Council on November 8, 2021, as contained in Mayor and Council Resolution No. 17-21, with support for a reduction to the trees per lot requirement as part of the resolution. The staff reports for the November 8, 2021, Mayor and Council meeting to Adopt a Resolution and the October 18, 2021, Mayor and Council Public Hearing, Discussion and Instruction is attached to this report and should be referred to for a more detailed project description, analysis, public outreach, findings, and conditions of approval.
With approval of the Project Plan, EYA has submitted and processed a Level 2 Site Plan, and accordingly the Planning Commission is the Approving Authority. The application has been fully reviewed for compliance with Project Plan PJT2021-00013 and all relevant City codes and policies (forest conservation, stormwater management, utility adequacy, and traffic and transportation). Based on that review, the proposed findings and recommended conditions, staff recommends approval of the Site Plan and conditions. This also includes a recommendation of approval for a proposed waiver of Chapter 21 of the Zoning Ordinance related to trees planted per residential lot.

The Planning Commission’s role is to conduct a review of the application at a public meeting and decide on the proposed site plan as outlined in Section 25.07.01a.3(a). The Planning Commission must review the site plan and determine if it meets the requirements of the Zoning Ordinance, including the required findings for approval, as part of the decision to approve or deny the application. As the Approving Authority for site plans, the Planning Commission must also determine whether to approve a proposed waiver of Chapter 21 of the Zoning Ordinance related to trees planted per residential lot.

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**Project Description**

<table>
<thead>
<tr>
<th>Location:</th>
<th>16160/16200 Frederick Road</th>
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<tbody>
<tr>
<td>Applicant:</td>
<td>EYA Development, LLC</td>
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<tr>
<td>Planning Area:</td>
<td>Planning Area 16- King Farm and Shady Grove</td>
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<tr>
<td>Land Use Designation:</td>
<td>OCRM (Office, Commercial and Residential Mix)</td>
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<td>Mixed Use Corridor District (&quot;MXCD&quot;)</td>
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<td>Existing Use:</td>
<td>Auto dealership with surface parking and unincorporated land</td>
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<tr>
<td>Proposed Use:</td>
<td>370 dwelling units, and 118 two-over-two stacked condominium multi-family units</td>
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<td>Site Area:</td>
<td>20.35 acres</td>
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<td>Building Height:</td>
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**Surrounding Land Use and Zoning**

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<tr>
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**Project Analysis**

The Project locates the two-over-two condominium units along the Property's Frederick Road frontage at 55 feet in height, with the townhouses sited at the Property's sides, rear, and interior at 45 feet in height. The two-over-two condominium units and townhouses in the Property's interior will be accessed by rear-loaded alleys, while the townhouses located on the Property's perimeter will be served by front-loaded driveways and rear yards that provide an additional buffer to adjacent properties. The Project also includes a system of public use spaces and open areas which are distributed throughout the Property. Portions of the Project's open areas will be enhanced with landscaping, including shade trees, ornamental trees, evergreen trees, shrubs, as well as lawn areas. The Project's proposed public use space includes an approximately 75-foot-wide existing pipeline easement area on the Property's northwestern edge, between the Project and the existing businesses towards Shady Grove Road, which the Applicant has coordinated with WSSC to program a proposed natural trail in a meadow setting with plantings, as well as lawn areas for active and passive recreation. The Project will also include a new pedestrian connection from the Property to the adjacent Mattie J.T. Stepanek Park.

The Project is consistent with the 2040 Comprehensive Plan ("2040 Plan") and the Mixed-Use Corridor District (MXCD) Development Standards (Sec. 25.13.05) of the Zoning Ordinance, including parking for townhomes and stacked condominiums per Sec. 25.16.03 and with the Open Area and Public Use Space requirements per Section 25.13.05(b)(1). In addition, the Project will not overburden existing and programmed public facilities, such as water and sewer, stormwater management, historic resources, traffic and transportation and the environment.

**Traffic and Transportation**

Traffic and Transportation staff reviewed a comprehensive multi-modal study that was prepared in accordance with the City’s Comprehensive Transportation Review (CTR) by the applicant for the proposed development as part of the Project Plan review. The purpose of the report was to evaluate whether the proposed development would have a detrimental impact to
the multi-modal transportation network in the surrounding area of the development. This evaluation was based on a technical comparison of traffic for the existing condition, background condition, and total future condition. In addition, staff reviewed a detailed signal warrant analysis, accident analysis, and cut-through traffic analysis that were included in the report.

**Forestry**

Staff completed a comprehensive review of the Preliminary Forest Conservation Plan (PFCP). The proposed PFCP meets requirements for forest conservation (through afforestation), minimum tree cover, and significant tree replacement. Staff approved the PFCP on August 26, 2021. The applicant submitted a revised PFCP, that proposed an additional one hundred and sixty-nine (169) trees on the site in response to concerns from the September 22, 2021 Planning Commission meeting. Staff approved the revised PFCP on January 7, 2022 (attached).

The applicant is requesting a waiver to Zoning Ordinance Section 25.21.21 be approved by the Planning Commission (see the attachment detailing the applicant’s waiver request) for the street tree planting requirement as well as the trees per lot planting requirement.

**Street Trees (Zoning Ordinance Section 25.21.21.a)**

In accordance with the Zoning Ordinance (Section 25.21.21), the developer is required to provide street trees at a maximum spacing of forty feet (40') on center within the public right-of-way (or adjacent if necessary). The developer is requesting a waiver to Section 25.21.21 for street tree requirements as it relates to both spacing and quantity of street trees. In addition, the developer is proposing to remove five (5) existing street trees for development purposes which will be replaced at a 1:1 ratio.

Staff recommends approval of the applicants requested waiver to Zoning Ordinance Section 25.21.21.a to plant a street tree for every forty feet (40') of lot frontage adjacent to the public right-of-way based on the justification and findings outlined in the applicant’s waiver request (attached).

**Trees per Residential Lot (Zoning Ordinance Section 25.21.21.b)**

The developer is required to provide a minimum of three (3) trees per residential lot consistent with the Zoning Ordinance. Due to the limited lot size for townhomes, there is not adequate area to plant three trees per lot in a sustainable fashion. The proposed development requires seven hundred and seventy-four (774) trees be planted on the residential lots to meet this requirement. The developer is requesting a waiver from this requirement from the Planning Commission. The applicant is proposing that the aggregate tree total planted on the site to meet afforestation and significant tree replacement be allowed to count towards the minimum lot tree requirement, although the trees are provided off the lots. After concerns raised by the Planning Commission at the September 22, 2021 meeting during project plan review, the applicant is proposing to plant a total of eight hundred and fifty-three (853) trees. This is an increase of one hundred and sixty-nine (169) trees from the original proposal. Staff has worked with the developer to maximize plantings under the current site design and supports the waiver request. The Planning Commission has previously approved similar waivers on other townhouse projects. See the attached the letter from the applicant detailing their proposed waiver request.
Staff recommends approval of the applicant’s requested waiver to Zoning Ordinance Section 25.21.21.b as it relates to the requirement to plant three (3) trees per lot based on the justification and findings outlined in the applicant’s attached waiver request.

**Community Outreach**

Community outreach was conducted with the Project Plan process, which is described in the staff report for the November 8, 2021, Mayor and Council meeting. As part of the Level 2 Site Plan process, the applicant sent notice of the application in accordance with the provisions of Section 25.05.03 to all property owners, residents, civic associations and homeowners associations within one thousand two hundred fifty (1,250) feet from the boundaries of the area described in the application.

**Findings**

In accordance with Section 25.07.01.3.b. of the Zoning Ordinance, a site plan that does implement a project plan or a special exception, may be approved only if the applicable approving authority finds that this application will not:

1. **Be detrimental to the public welfare or injurious to property or improvements in the neighborhood;**

The Project includes a mix of residential uses that will enhance the community with a variety of housing options, including needed townhome and two-over-two stacked condominium housing and a MPDU unit mix that will include 39 townhouses, 16 condominiums in two-over-two townhomes. The Project is designed as a walkable community to reduce the impact on traffic. The project complies with all applicable ordinances that ensure health and safety are met as described in this report.

In a letter dated, August 11, 2021 (see attached), the proposed development received Hydraulic Planning Analysis approval from the Washington Suburban Sanitary Commission (WSSC) for connection to the public water and sanitary sewer systems. The applicant will construct a network of water and sanitary sewer infrastructure to serve the development. Water and sewer infrastructure have been reviewed by WSSC to ensure no detrimental impacts occur as a result of the proposed development.

Stormwater Management (SWM) for this project will be provided in compliance with the attached Development SWM Concept Approval Letter. The Development SWM Concept Approval Letter lists project specific conditions of approval. On-site SWM is being provided by the applicant through the construction of underground structural facilities and a combination of Environmental Site Design (ESD) measures including permeable pavement, roadside planter box bioretention facilities and micro-bioretention facilities. A Safe Conveyance Study reviewed by the City and MDSHA determined the existing downstream public storm drainage system to have sufficient...
capacity and thus would not be subject to deficiency mitigation as a result of the development.

The review of the transportation study concludes that the proposed project will not have a detrimental impact to the surrounding multi-modal transportation network, provided all the required transportation improvements from the Project Plan approval conditions are fully implemented as specified.

**ii) Constitute a violation of any provision of this chapter or other applicable law;**

The Project advances many of the goals of the 2040 Plan by replacing an underutilized auto dealership, surface parking lot and undeveloped land with a vibrant residential community, including townhomes and two-over-twos, including 58 MDPUs, to meet the wide range of community needs, especially "missing middle" and affordable units in walkable nodes near the Shady Grove Metro Station. The Project is supported by public use space, open space and pedestrian pathways that connect to and support the King Farm Farmstead, Frederick Road and Mattie J. T. Stepanek Park. New residents will also support nearby existing retail uses, such as the King Farm Village Center. Applicant will incorporate high-quality design in all aspects of the Project, including public open spaces and landscaping and thoughtful architecture. The project complies with all applicable ordinances that ensure the public welfare as described in this report.

The Project does not constitute a violation of any provision of the Zoning Ordinance or other applicable law. As described, the Project meets or exceeds the development standards for the MXCD zone. Further, parking, lighting, open space, public use space, and landscaping for the Project are all in accord with the City's requirements, as illustrated by the attached plans, subject to the approval of the noted waivers. The Project was also specifically designed to comply with the design guidelines for all mixed-use zones, as well as the design guidelines applicable to the MXCD zone.

All of the proposed transportation infrastructure will be constructed consistent with the City’s code requirements, with specified minor waivers that have been granted by either the Director of Public Works or the Mayor and Council, as applicable.

Staff approved a preliminary forest conservation plan on January 7th, 2021. Staff finds the project meets the applicable requirements set forth in the Forest and Tree Preservation Ordinance, including but not limited to forest conservation, minimum tree cover, and significant tree replacement.

In addition, the proposed development proposes to meet the requirements of Zoning Ordinance, including Section 25.21.21, should the requested waivers be granted.

**iii) Be incompatible with the surrounding uses or properties;**
The Project is compatible with and will complement the surrounding uses and properties. The Project is surrounded by other MXCD zoned properties and the mixed-use Planned Development of King Farm. The Project replaces an outdated auto dealership and surface parking lot with a modern residential community featuring missing-middle housing. It will serve to provide activation of the existing nearby commercial uses and additional ridership to the Metro Shady Grove Station.

The Property is currently improved with largely impervious surface: a one-story auto dealership structure, paved surface parking lots and undeveloped land. The Project will construct modern stormwater management features to capture and treat nonpoint pollution as detailed on the Stormwater Management Concept Plan. The application meets all forest conservation requirements under City Code Section 10.5-22.

**Conditions**

In summary, staff concludes that the proposal is in accordance with Section 25.07.01.3.a. of the Zoning Ordinance and recommends approval of site plan application STP2022-00433, based on the above findings. Staff recommends approval of the requested waivers to section 25.21.21.a and 25.21.21.b of the subdivision regulations as it relates to the requirement to plant a street tree for every forty feet (40’) of lot frontage and to plant three trees per townhouse lot, finding that the applicant’s request is consistent with the intent of the code.

Staff recommends approval of the following conditions for the site plan:

1. The Applicant shall comply with all conditions of approval of Project Plan PJT2021-00013, as contained in Mayor and Council Resolution No. 17-21, as may be amended.

**DPW Engineering**

2. The Applicant must submit for review, approval, and permit issuance by DPW the following detailed engineering plans, studies and computations, appropriate checklists, plan review and permit applications and associated fees. The following plans shall be submitted on 24”x36” City base sheets at a minimum scale of 1”=30’ unless otherwise approved by DPW.
   a. Sediment Control Permit (SCP) – Submit Erosion and Sediment Control plans for all disturbed areas;
   b. Stormwater Management Permit (SMP) – Submit Stormwater Management plans for on-site stormwater management;
   c. Public Works Permit (PWK) – Submit plans for all off-site City improvements and for work within the proposed public rights-of-way including adjacent to Rockville Pike, within the Pleasant Drive and Piccard Drive rights-of-way, and within any existing or required public easements. DPW will also review, approve and permit the construction of private improvements through the PWK permit, including collecting applicable fees.

   Final locations and dimensions of public improvements in the right-of-way including but
not limited to water, sewer, and storm drain infrastructure, street signs, street trees, curb ramps, parking spaces and traffic signal infrastructure, and streetlights will be determined in conjunction with the review of all Public Improvements Plans (PWK) and the Forestry Permit.

3. The Applicant must submit a construction phasing plan for the project. The plan shall include, but not be limited to, the construction access, pedestrian access, truck routing, staging and construction parking. This plan must be approved prior to the issuance of the first permit issued by DPW.

4. The Applicant must post sureties in a form approved by the City Attorney’s Office for all permits based on the approved construction estimate. A separate surity is required for private improvements permitted through a PWK. Approval of sureties is coordinated through DPW staff. Sureties for all public infrastructure must be submitted and approved prior to recordation of plats dedicating right-of-way.

5. The Applicant must grant a Public Access Easement (PAE) across the entire width of the privately maintained alleys and grant a 1’ Public Improvement Easement (PIE) adjacent to public rights-of-way for maintenance of public sidewalks as shown on the Site Plan Road Cross Sections. The PAE and PIE must be granted by separate document from the Final Record Plat, reviewed and approved by DPW and in a format acceptable to the City Attorney’s Office and be recorded in the Montgomery County Land Records, prior to DPW issuance of any Public Works (PWK) permit.

6. The Applicant shall comply with all conditions of WSSC’s Hydraulic Planning Analysis (HPA) and Letter of Findings dated August 11, 2021, and mitigate any service deficiencies identified as a condition of site plan, unless the HPA is otherwise amended.

7. The Applicant shall comply with the conditions of the Development SWM Concept approval letter dated January 12, 2022, as may be amended.

8. The Applicant shall comply with the conditions of the Preliminary Erosion and Sediment Control letter dated July 12, 2021, as may be amended.

9. The Applicant shall comply with the conditions of the Safe Conveyance approval letter dated January 14, 2022, as may be amended.

10. The location of new dry utilities shown on the Site Plan is conceptual. Unless otherwise approved by the Director of Public Works, the final layout of the dry utilities shall not impact the locations of the proposed storm drain, water, sanitary sewer, SWM facilities, street trees and other public improvements.

11. The Applicant must obtain all necessary approvals and/or permits for all driveway access points and utility connections proposed on the Site Plan from all agencies with jurisdiction, including MDSHA, MCDOT, WSSC and the City of Rockville.

12. The Final Record Plat must include:
   a. Additional dedication of right-of-way by the Applicant for improvements to the west side of MD 355;
   b. Dedication of rights-of-way and easements per the approved street sections; and
   c. All necessary easements and abandonments.

13. DPW will not approve any Demolition Permits until a Sediment Control Permit (SCP) for the area disturbed by the demolition is issued.
14. Except for permits associated with the demolition of the existing building, no DPW permits will be issued prior to the recordation of the plats dedicating all right-of-way to the City.

15. Prior to Sediment Control Permit issuance, the Applicant must obtain WSSC permit approval(s), including a Site Utility Permit for the System Extension and a ‘Non-DR’ type Developer Relocation Process for construction adjacent to the existing PCCP WSSC easement.

16. Prior to the issuance of any above-ground building permits, the Applicant must receive DPW approval of PWK permits for all public improvements, unless otherwise approved by the Director of Public Works.

**DPW Traffic & Transportation**

17. The Applicant must submit design plans to the City and MDSHA for the traffic signal at the main access point, frontage improvements and all access points shown on the site plan along MD 355 with the PWK application.

18. All internal and external traffic control devices (i.e., signs, markings and devices placed on, over or adjacent to a roadway or walkway) 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).

19. The Applicant must demonstrate and submit to DPW adequate plans that are subject to review and approval by the City for PWK permit(s) during the detailed engineering phase for pedestrian access, construction access, staging, and parking. Proposed closures of the existing sidewalk on MD 355 shall be minimized to the extent possible, and when necessary, shall be subject to City and/or SHA approval, as applicable. Allowable sidewalk closure durations may be stipulated in the conditions of the PWK permit, as well as the potential requirement for a temporary, continuous path provided in accordance with ADA requirements. Vehicular and pedestrian access to all adjacent properties must be maintained during construction.

**Forestry**

20. A Final Forest Conservation Plan (FCP) must be reviewed and approved by the City with the signature set site plan submission and prior to release of any Building, Forestry or DPW permits associated with site plan submission. The Final FCP shall be generally consistent with the PFCP and approval letter and provide tree plantings consistent with outlined requirements. Final FCP and the site plan must comply with the FTPO and Zoning Ordinance.

**Attachments**

Attachment 1.A.a: Application (PDF)
Attachment 1.A.b: Site Plan (PDF)
Attachment 1.A.c: PJT Staff Report - Possible Adoption of a Resolution (PDF)
Attachment 1.A.d: PJT Staff Report - Discussion and Instruction to Staff (PDF)
Attachment 1.A.e: Preliminary Forest Conservation Plan Approval (PDF)
Attachment 1.A.f: Tree Waiver Letter from Applicant (PDF)
Attachment 1.A.g: Approved PFCP Letter (PDF)
Attachment 1.A.h: Approved PFCP Amendment (PDF)
Attachment 1.A.i: Approved Development SWM Concept Letter (PDF)
Attachment 1.A.j: Approved Safe Conveyance Letter (PDF)
Attachment 1.A.k: Approved SCP letter (PDF)
Application for
Site Plan Application

City of Rockville
Department of Planning and Development Services

111 Maryland Avenue, Rockville, Maryland 20850
Phone: 240-314-8200 • Fax: 240-314-8210 • E-mail: pds@rockvillemd.gov • Website: www.rockvillemd.gov

Type of Application:

☐ Site Plan Level 1  ☑ Site Plan Level 2  ☐ Site Plan Amendment (major)  ☐ Site Plan Amendment (minor)

Please Print Clearly or Type

Property Address Information: 16200 Frederick Road

Subdivision ______________ Lot(s) ______________ Block ______________

Zoning MXCD ______________ Tax Account(s) 09-00772335, 04-03126715 ______________

Applicant Information:

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

Applicant Wyndham Robertson - EYA Development, LLC  301.273.7042 wyndhamr@eya.com

4800 Hampden Lane #300 Bethesda, MD 20817

Property Owner Frederick Road Limited Partnership / Victor, Inc. Attn: Gerry Ceresini  301.948.9111 ext. 246 no email available.

16200 Frederick Road Gaithersburg, MD. 20898

Architect ________________________

Engineer Vika Maryland Attn: Logan Kelso, P.E.  410.916.4100 kelso@vika.com

20251 Century Boulevard, Suite 400 Germantown, MD. 20874

Attorney Miles and Stockbridge Attn: Barbara Sears  301.517.4812 bsears@milesstockbridge.com

11 N. Washington Street Suite 700 Rockville, MD 20850

LEED AP ________________________

Project Name King Buick

Project Description Residential development with townhomes and stacked condominium townhomes

STAFF USE ONLY

Application Acceptance:

Application # STP2022-00433 OR Application Intake:

Pre-Application __________________ Date Received 8/17/2021

Date Accepted __________________ Reviewed by __________________

Staff Contact __________________ Date of Checklist Review __________________

3/4/2020 Deemed Complete: Yes ☐ No ☐
**Level of review and project impact:**
This information will be used to determine your project impact, per sec. 25.07.02 of the Zoning Ordinance for Project Plan and Site Plan applications only. Point calculations are not required for applications that qualify as major or minor site plan amendments, per sec. 25.05.07 of the zoning ordinance.

- **Tract Size:** 20.5 acres, # Dwelling Units: 370, Square Footage of Non-Residential: 2000
- **Residential Area Impact:** 35-64%
- **Traffic/Impact/trips:** 67 net

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<td>5,001 to 25,000 square feet</td>
<td>25,001 to 100,000 square feet</td>
<td>100,001 or greater square feet</td>
<td>1</td>
</tr>
<tr>
<td>Residential Area Impact</td>
<td>Up to 10% residential development in a residential zone within 1/4 mile of the project</td>
<td>Up to 50% of area within 1/4 mile of the project area is comprised of single-unit detached residential units</td>
<td>Up to 75% of area within 1/4 mile of the project area is comprised of single-unit detached residential units</td>
<td>Development is within single-unit detached unit area</td>
<td>2</td>
</tr>
<tr>
<td>Traffic Impact - Net new peak hour trips</td>
<td>Fewer than 30 trips</td>
<td>30-74 trips</td>
<td>75-149 trips</td>
<td>150 or more trips</td>
<td>2</td>
</tr>
</tbody>
</table>

**Points Total**: 13

The total of the points determine the level of notification and the approving authority.

**BASED ON THE POINTS TOTAL YOUR PROJECT WILL BE:**

- [ ] Site Plan Level 1 (6 or fewer pts)
- [x] Site Plan Level 2 (7-15 pts)

**Proposed Development:**

- **Retail:** n/a __________ Sq. Footage
- **Office:** n/a __________ Sq. Footage
- **Restaurant:** n/a __________ Sq. Footage
- **Other:** __________ Sq. Footage
- **Detached Unit:** 0
- **Duplex:** 0
- **Townhouse:** 252
- **Attached:** 0
- **Multi-Family:** 118
- **Live-work:** 0
- **MPDU:** 56
- **Parking Spaces:** 973
- **Handicapped:** 6
- **Estimated LEED or LEED-equivalent points:** (As provided on LEED checklist) 0
- **Bicycle Parking:**
  - # Long Term: 0
  - # Short Term: 2

**Total # Provided:** 2
Existing Site Use(s) (to include office, industrial, residential, commercial, medical etc.)

Commercial (car dealership) and undeveloped land

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Date</th>
<th>Action Taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>PUT-2021-00013</td>
<td></td>
<td>APPROVAL PENDING</td>
</tr>
</tbody>
</table>

**Previous Approvals: (if any)**

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.

[Signature]

Please sign and date

8/17/21
Application Checklist:

Submitted:

- Completed Application
- Application Filing fee (to include sign fee)
- Pre-Application Area meeting number 2021-00129 documentation (Notes From Area Meeting)
- Proposed Post Application area meeting date 8/31/21 including location 7pm virtual.
- A detailed site development plan prepared and certified by a professional engineer. (12) copies - (15) if on a state highway: Plan sheet size maximum 24” x 36” folded to 8 1/2” X 11”
- Preliminary building elevations and floor plans (3 copies), plan sheet size maximum 24” X 36” folded to 8 1/2” X 11”
- CTR (Comprehensive Transportation Review) report with fee via separate check (one copy to CPDS and one copy to DPW with fee) PREVIOUSLY SUBMITTED AND UNDER REVIEW. UPDATES TO BE TRANSMITTED UNDER SEPARATE COVER.
- Landscape plan (6 copies, Plan Sheet size maximum 24" X 36" folded to 8 1/2" X 11")
- Preliminary Forest Conservation Plan (FCP) Approved with PJT application. PFCP can provide update pending meeting with Forestry on 8/17/21
- Copy of approved Pre-application stormwater management concept letter
- Development Stormwater Management Concept Package with fee via separate check
- Preliminary Sediment Control Plan with Fee via Separate Check
- Water and Sewer Authorization Application PROJECT IS WITHIN WSSC SERVICE AREA
- Copy of approved NRI/FSD (Natural Resources Inventory/Forest Stand Delineation) Plan. Approval is from the City Forestry Department
- Project narrative to include a statement of justification that addresses compliance with:
  - Comprehensive Master Plan and other plan regulations
  - Mixed Use Development Standards, including Layback slope and shadow study (Section 25.13)
  - Landscaping, Screening and Lighting manual (Resolution No. 14-09)
  - Adequate Public Facilities (Section 25.20)
  - Parking (Section 25.16)
  - Signs (Section 25.18)
  - Public Use Space (Section 25.17.01)
  - Green Building Regulations (Chapter 5 of the City Code: Building & Building Regulations, Article XIV)
- Fire Protection Site Plan
- HDC Review and Action (if demolition is proposed) 240-314-8220
- Additional Information as requested by Planning Staff/Project Manager
- One CD of Application Materials (PDF)
- ELEED or LEED-equivalent credit checklist and supporting documentation.

Comments on Submittal: (For Staff Use Only)

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________
GENERAL NOTES
1. THE PROPERTY IS 20.58 ACRES.
2. THE SUBJECT PROPERTY CONSISTS OF THE FOLLOWING PROPERTIES:
   - Parcel N979, Tax Map: GS13, Tax Acct No.: 09-00772335 (MONTGOMERY COUNTY)
   - Parcel 170, Tax Map: GS12, Tax Acct No.: 04-03126715 (CITY OF ROCKVILLE)
3. PARCEL N979 IS CURRENTLY ZONED GR-1.5 H-45' AND PARCEL 170 IS ZONED MXCD — UPON
   APPROVAL OF THE ANNEXATION OF PARCEL INTO THE CITY OF ROCKVILLE, THE ZONING OF THE
   COMBINED PROPERTY WILL BE MXCD.
4. THERE ARE NO 100 YEAR FLOODPLAIN LOCATED ON THE SITE.
5. THERE IS NO WETLANDS LOCATED ON THE SITE.
6. THERE IS NO STREAM VALLEY BUFFER LOCATED ON THE SITE.
7. THERE IS NO SITING DISTANCE LOCATED ON THE SITE.
8. THERE ARE NO WIND TURBINES LOCATED ON THE SITE.

SHEET INDEX

SUPPLEMENTAL PLANS

SUPPLEMENTAL EXHIBITS

COVER SHEET

Received
12/29/2021
STP2022-00433
LEGEND

- Areas with less than 26' pavement width
- Areas with ROW width less than 60' width
- Areas with less than 26' pavement width

PROPOSED ROAD SECTIONS

PROPOSED ROAD SECTIONS WITH WAIVERS

CITY OF ROCKVILLE STANDARD ROAD SECTIONS

PLANNING, LANDSCAPE ARCHITECT & CIVIL ENGINEERS
VIVA MARYLAND, LLC

11 N WASHINGTON ST.
GERMANTOWN, MD 20874

301-916-4100 | wydibr@eya.com

DECEMBER 10, 2023

NAME: ROBERT TILSON, RLA, FASLA

LANDSCAPE ARCHITECT UNDER THE LAWS OF MARYLAND.

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED, REGISTERED LANDSCAPE ARCHITECT UNDER THE LAWS OF MARYLAND.

LICENSE No.: [Insert License Number]

PREPARED OR APPROVED BY ME, AND THAT I AM

PROFESSIONAL SEAL

LICENSE No.: [Insert License Number]

MAY BE UTILIZED FOR CONSTRUCTION PURPOSES.

INTELLECTUAL PROPERTY. THESE DRAWINGS AND/OR

APPROVED, SIGNED AND SEALED PLANS OR DRAWINGS

FOR ANY PURPOSE, IN ANY FORMAT, WITHOUT PRIOR

WRITTEN AUTHORIZATION FROM VIKA MARYLAND, LLC.

STP2022-00433

KING BUICK

4TH ELECTION DISTRICT

MONTGOMERY COUNTY, MARYLAND

SP-3.0

DECEMBER 10, 2023

NOV 11, 2021

Packet Pg. 29

Attachment 1.A.b: Site Plan (4001 : STP2022-00433 16200 Frederick Road  King Buick)
Discussion

Site Description

EYA Development, LLC ("EYA"), filed Project Plan Application PJT2021-00013 ("Project Plan Application" or "Application"), pursuant to Section 25.07.07 of the Zoning Ordinance, proposing up to 370 dwelling units, including 252 townhouses with front and rear-loaded garages and 118 two-over-two stacked condominium multi-family units, of which 58 units are moderately priced dwelling units ("MPDUs") (the "Project"), on approximately 20.35 acres of property located at 16160/16200 Frederick Road and Parcel P170 (the "Property"). The Frederick Road lots are improved with the King Buick/GMC/Mitsubishi automobile dealership and service facility, along with associated surface parking lots. The annexation of these lots into the City of Rockville occurred on October 4, 2021.

To the south of the Property is the King Farm neighborhood, which is a mixed-use community containing single-family and multi-family homes, parks (including the Mattie J.T. Stepanek Park and the King Farm dog park), retail businesses at the King Farm Village Center, and employment uses. The King Farm Farmstead abuts the Property to the southeast. The Property fronts Frederick Road (Maryland Route 355), which provides convenient access to the regional road network, including Interstate 370, Maryland Route 200 (the Intercounty Connector), Shady Grove Road, and Interstate 270, and is within walking distance of the Shady Grove Metrorail station.

Project Description

The Project locates the two-over-two condominium units along the Property's Frederick Road frontage at 55 feet in height, with the townhouses sited at the Property's sides, rear, and interior at 45 feet in height. The two-over-two condominium units and townhouses in the Property's interior will be accessed by rear-loaded alleys, while the townhouses located on the Property's perimeter will be served by front-loaded driveways and rear yards that provide an additional buffer to adjacent properties. The Project also includes a system of public use spaces and open areas which are distributed throughout the Property. Portions of the Project's open areas will be enhanced with landscaping, including shade trees, ornamental trees, evergreen trees, shrubs, as well as lawn areas. The Project's proposed public use space includes an approximately 75-foot-wide easement area on the Property's northwestern edge, between the Project and the existing businesses towards Shady Grove Road, which the Applicant has coordinated with WSSC to program a proposed natural trail in a meadow setting with plantings, as well as lawn areas for active and passive recreation. The Project will also include a new pedestrian connection from the Property to the adjacent Mattie J.T. Stepanek Park.
The Project locates the two-over-two condominium units along the Property's Frederick Road frontage at 55 feet in height, with the townhouses sited at the Property's sides, rear, and interior at 45 feet in height. The two-over-two condominium units and townhouses in the Property's interior will be accessed by rear-loaded alleys, while the townhouses located on the Property's perimeter will be served by front-loaded driveways and rear yards that provide an additional buffer to adjacent properties. The Project also includes a system of public use spaces and open areas which are distributed throughout the Property. Portions of the Project's open areas will be enhanced with landscaping, including shade trees, ornamental trees, evergreen trees, shrubs, as well as lawn areas. The Project's proposed public use space includes an approximately 75-foot-wide easement area on the Property's northwestern edge, between the Project and the existing businesses towards Shady Grove Road, which the Applicant has coordinated with Washington Suburban Sanitary Commission (WSSC) to program a proposed natural trail in a meadow setting with plantings, as well as lawn areas for active and passive recreation. The Project will also include a new pedestrian connection from the Property to the adjacent Mattie J.T. Stepanek Park.

The Project is consistent with the 2040 Comprehensive Plan ("2040 Plan") and the Mixed-Use Corridor District (MXCD) Development Standards (Sec. 15.13.05) of the Zoning Ordinance, including parking for townhomes and stacked condominiums per Sec. 25.16.03 and with the Open Area and Public Use Space requirements per Section 25.13.05(b) (I). In addition, the Project will not overburden existing and programmed public facilities, such as water and sewer, stormwater management, historic resources, traffic and transportation and environment (which includes tree coverage discussion), as described in the findings in the attached resolution, as well as in the staff report provided for the October 18 Mayor and Council Public Hearing, which can be found here:

https://www.rockvillemd.gov/AgendaCenter/ViewFile/Agenda/ _10182021-6381.

**Updates since Public Hearing and Discussion and Instruction**

Following the October 18th public hearing and discussion and instructions, staff has drafted the attached resolution and made updates to the recommended conditions and analysis as noted below. The numbers reference the conditions in the previous staff report.

Condition 3 and Condition 17 are duplicates, so 17 will be deleted:

- The applicant shall relocate and underground the existing electrical connection to the Farmstead from Route 355/Frederick Road as shown on the Project Plan.

The following language to Condition 19 (new language in **bold**) is consistent with other agreed-upon changes.
19. Applicant shall comply with the waiver conditions of DPW’s Roadway Design Layout Letter dated September 3, 2021, as may be amended.

Condition 20 has been modified for clarity

20. A traffic signal at the entrance to the development on MD 355 will be required, with corresponding interconnections per MD SHA and/or Montgomery County DOT requirements and standards to the adjacent signals at the intersections of Ridgemont/355 and Shady Grove/355. The applicant shall obtain design approval for the signal and all related improvements per MD SHA and/or MCDOT and fully bond the entire cost of the traffic signal and related improvements with the City prior to issuance of any building permit on the subject site. The actual construction of the signal and interconnections and any other related improvements required by MD SHA (the owner of the traffic signal), and MCDOT (the operator of the signal), must be completed prior to project buildout and/or when warranted and permitted by MDSHA and/or MCDOT, whichever occurs first. must be completed prior to buildout of the project, or earlier as deemed warranted and permitted by MD SHA and/or MCDOT. In the event MDSHA or MCDOT does not approve the installation of the required traffic signal and related improvements prior to project buildout, the applicant’s bonding of the total cost of signal installation and all related improvements with the City shall be deemed full satisfaction of this condition by the City.

The following conditions each had a duplicate which will be eliminated:

24. Prior to the issuance of any occupancy permit, the applicant shall construct the required intersection improvements as shown on the project plan that improve and enhance safe pedestrian and bicycle accommodation at the intersection of Piccard and Pleasant Drive. The recommended improvements include adjustments to the curb radii, ADA compliant curb ramps, crosswalks and signage. The design is subject to minor modifications, as necessary, during the site plan phase.

25. Prior to the issuance of the 50th occupancy permit, the applicant shall construct and extend a sidewalk connection with sufficient bike accommodation, as deemed necessary by the City, from approximately midpoint of proposed street D to the existing Park access Road and its parking lot, as shown on the project plan.

The following conditions for MPDUs have been edited for clarity and unnecessary conditions deleted:
45. The applicant is required to provide a minimum of 15% of the residential units as Moderately Priced Dwelling Units (MPDUs). Now the City will have 58 MPDU units as per latest discussion: 18 stacked condominium townhomes and 40 townhomes.

46. Residential units constructed on the site must comply with the standards and requirements of the Rockville Moderately Priced Dwelling Unit Ordinance, Chapter 13.5 of the Rockville City Code.

47. The minimum square footage for an MPDU townhouse with 3 bedrooms and 2 baths is 1200 square ft, per the City's MPDU regulations.

48. The MPDU units must be blended with the other market rate units.

49. The MPDU units must not be distinguishable from the market rate units.

50. The MPDUs should not be overly concentrated in any one area of the project.

51. The Declaration of Covenants for sale of properties must be recorded before issuing any building permit.

45. The applicant is required to provide a minimum of 15% of the residential units, plus an additional two (2) residential units, as Moderately Price dwelling units (MPDUs).

46. Residential units constructed on the site must comply with the standards and requirements of the Rockville Moderately Priced Dwelling Unit Ordinance, Chapter 13.5 of the Rockville City Code.

47. The minimum square footage for an MPDU townhouse with 3 bedrooms and 2 baths is 1200 square ft per the City's MPDU regulations.

48. The MPDU units must not be distinguishable from the market rate units.

49. The MPDUs should not be overly concentrated in any area of the project.

50. The Declaration of Covenants for properties for sale must be recorded before the issuance of any building permit.

Other changes to the Conditions for Approval in the Resolution:

- The Forestry narrative was numbered #31 and the sub-bullets have been numbered a-e.
Additional Proposed Language on Tree Waivers

The applicant has requested to include the language below in the findings of the Resolution. As noted in the October 18th staff reports and considering that the number of trees will increase from the 25 on the site to 908, which includes 214 new lot trees, 59 alley trees, 10 existing trees and 625 other trees dispersed across the site, staff has reviewed these requests and supports the waivers. Because the applicant’s proposed statement indicates Mayor and Council support, staff has not included it in the draft resolution, but Mayor and Council can choose to direct staff to include the wording below.

- The Mayor and Council acknowledge that implementation of the approved Project Plan’s urban multi-family and townhouse design requires the granting of waivers by the Planning Commission of Sections 25.21.21.a & b of the City Code pursuant to Section 25.21.07 of the City Code to allow: 1) a reduction of the number of street trees within the public right-of-way by up to 12%; and 2) a reduction of the required trees per residential lot from 3 trees to up to 2.6 trees per lot, based on an aggregate number of the on-site trees located anywhere on the subject property. The Mayor and Council supports the requested waivers.

Supplemental Staff Analysis

The Montgomery County Student Generation Rates for Housing Types in Infill Areas has been updated from 2021-2022 to 2022-2023 (effective July 1, 2021) using projections based on attached residential units for multifamily low-rise (MFLR), which is 4 stories or less, and therefore the Project is projected to generate approximately 49 new elementary students, approximately 26 new middle school students, and approximately 34 new high school students, or approximately 109 new students for grades K-12. Students generated by the Project would attend Gaithersburg High School, Forest Oak Middle School, and Rosemont Elementary School. According to the adopted FY22 Education Facilities Master Plan and Amendments to the FY 2021-2026 Capital Improvements Program, Forest Oak Middle School, and Rosemont Elementary School are projected to have adequate school capacity based on these projections.

Finally, staff has provided additional information in the resolution regarding overall parking for the Project, noting that the Project meets the minimum parking requirements per Section Sec 25.16.03 of the Zoning Ordinance, for townhomes and condominiums, and exceeds the minimum parking requirements by providing on-street visitor parking spaces and visitor parking spaces at townhomes with front-loaded driveways and at stacked condominium driveways.
Mayor and Council History

The Mayor and Council introduced a resolution to enlarge the City's corporate boundaries and had a public hearing on the requested annexation of the 16160/16200 Frederick Road property on May 17, 2021. In addition, on September 13, 2021, Mayor and Council authorized the City Manager to approve an annexation agreement that contains terms for development of the property, as well as commitments from both EYA and the City Council, that includes EYA building a 47-space parking lot on the King Farm Farmstead site. The Mayor and Council held a briefing on this proposed project plan on July 19, 2021. At the October 4, 2021 meeting, Mayor and Council adopted a resolution to enlarge the corporate boundary to include the King Buick property and an ordinance to amend the zoning to apply the MXCD zone on the annexed property. Mayor and Council are scheduled for a public hearing on this item at this same meeting.

The Mayor and Council held a Public Hearing and Discussion and Instruction on the project plan on October 18, 2021. At the same meeting, the Mayor and Council voted unanimously for staff to prepare a resolution for approval of the project plan for consideration at its November 8th meeting.

Public Notification and Engagement

Pursuant to Section 25.07.05 of the Zoning Ordinance, a Project Plan requires that the applicant reach out to the neighborhood and conduct two public area meetings: a pre-application area meeting held during the pre-application process, and a post-application area meeting held following submittal of the project plan application. The project applicant has complied with both requirements including written and electronic notification. The applicant held a pre-application area meeting on November 24, 2020 (2 residents were in attendance) and a post-application area meeting on June 3, 2021 (2 residents in attendance) with the required notifications accomplished accordingly.

Per Section 25.07.03 of the Zoning Ordinance, the Applicant has complied with the public notice requirements for all area meetings and public meetings and public hearings of Approving Authorities (including continuance of a public hearing) in accordance with the provisions of subsection 25.05.03.c. A notice was mailed two (2) weeks prior to the meeting to all property owners, residents, civic associations, and homeowner's associations within one thousand five hundred (1,500) feet for project plans. In addition, an on-site sign was posted in accordance with the provisions of subsection 25.05.03.d.
Project Plan applications require briefings on the application at both a Mayor and Council meeting and a Planning Commission meeting early in the application process. This requirement provides an early opportunity for both bodies to provide feedback on the proposed development. The Project Plan briefing was held at the Planning Commission meeting on June 23, 2021 and at Mayor and Council on July 19, 2021. After the briefings, the project is subject to staff review, a recommendation from the Planning Commission, and approval by Mayor and Council. This approval must occur after the annexation resolution is adopted. The Mayor and Council held a public hearing on the October 18, 2021 meeting. Two people testified, including the President of the King Farm Citizens Assembly and a public citizen. Nine (9) people provided written comments, which is included in the exhibits. The Mayor and Council with staff and the applicant discussed waiver requirements for the three trees per lot and on-site parking for the community center that were of concern to the Planning Commission. Staff also addressed the cut-through traffic concern that was brought up by various members of the community. After approval of the Project Plan, the Planning Commission will consider a site plan, or multiple site plans if the project is phased, implementing the Project Plan.

The Applicant has addressed staff and public comments relating to density, open area and public open space requirements and pedestrian connectivity to adjacent streets, King Farm Park and Farmstead. The Applicant has addressed the issue of cut-through traffic with a traffic study that determined the studied intersections will operate within acceptable levels as required by CTR. New traffic into/out of the King Farm neighborhood is projected to be minimal with 90-percent of the traffic for the proposed development using MD-355. Detailed analysis describing how the applicant has addressed concerns of both staff and the public are provided in the October 18th Mayor and Council Staff Report, and the transportation report has been made available on the City’s website.

**Boards and Commissions Review**

The Planning Commission held a briefing on the proposed project plan on June 23, 2021. The Planning Commission considered a recommendation on the project plan at their meeting on September 22, 2021. Five members of the public spoke and expressed concerns about items such as traffic on Frederick Road and through King Farm, the density of the project, and the amount of open space. The Commission discussed these items, as well as the potential waiver to the required three trees per lot. The Commission voted 6-0 to recommend approval of the project consistent with the findings and conditions noted by staff with two reservations: the density of the development and granting of the tree waiver.

**Next Steps**

Mayor and Council needs to provide direction on whether to support the reduction to the tree lot requirement and, if so, for it to be part of the proposed resolution.
If the Mayor and Council approve the proposed resolution, the Project Plan application is approved, and the applicant may proceed with the Site Plan phase of the development review process.
Overview

Case: PJT2021-00013

Location: 16160/16200 Frederick Road

Staff: Sachin Kalbag, AICP, Principal Planner
Planning and Development Services
skalbag@rockvillemd.gov

Applicant: EYA Development, LLC
8800 Hampden Lane, Suite 300
Bethesda, MD 20814

Filing Date: May 3, 2021

Discussion

Site Description
The Property comprises two main components: 16160/16200 Frederick Road (the "Frederick Road Lots") and Parcel P170 (the "City Parcel"). The Frederick Road Lots contain approximately 11.96 acres and are more particularly known as Parcels A and C, King's Addition to Shady Grove, as depicted on Plats No. 7936 and 10684 recorded among the Land Records of Montgomery County on August 23, 1965 and September 4, 1973, respectively. The Frederick Road Lots are improved with the King Buick/GMC/Mitsubishi automobile dealership and service facility, along with associated surface parking lots. The Frederick Road Lots portion of the Property is currently located in unincorporated Montgomery County and classified in the GR (General Retail)-1.5 H-45 zone. Victor, Inc., which is the current owner of the Frederick Road Lots, has submitted a petition to annex the property into the city together with the abutting Frederick Road right-of-way. The Mayor and Council recently introduced a resolution to enlarge the city's...
The Project is envisioned as a walkable and transit-oriented residential neighborhood with a range of unit types, a street grid with public streets and private alleys, desirable community amenities, welcoming open spaces, and attractive landscaping. The Project proposes 370 total dwelling units comprised of 252 townhouses with front and rear-loaded garages, and a variety of widths (expected to be 14 feet wide through 24 feet wide), and 118 two-over-two multi-family units. The Project locates the two-over-two condominium units along the Property's Frederick Road frontage, with the townhouses sited at the Property's sides, rear, and interior. The two-over-two condominium units and townhouses in the Property's interior will be accessed by rear-loaded alleys, while the townhouses located on the Property's perimeter will be served by front-loaded driveways and rear yards that provide an additional buffer to adjacent properties. All dwelling units will provide one required parking space on each respective lot. The maximum building height for the Project's residential buildings is proposed to be 55 feet along the Frederick Road frontage.

The architecture of the townhomes employs a variety of exterior materials and finishes that add pedestrian scale to the façade and street frontage. For both townhomes and two-over-two multi-family units, the base of the building utilizes brick veneer with concrete stoops and...
metal canopies at the entries. Horizontal siding is used for the exterior walls (with vertical siding accents at the two-over-two’s). Each of the dormers are capped with a built-up cornice. The brick veneer has subtle variation in color, with terra-cotta, beige and warm gray used to differentiate different townhomes. An 8-inch masonry soldier course bond is built above the first floor to add scale and a crisp shadow line.

The Project also includes a system of public use spaces and open areas which are distributed throughout the Property. Specifically, the Project proposes areas around the community amenity space with a pool as public open space, which will be programmed for passive and active recreation, as well as in multiple pocket parks with open lawn areas and seating that encourage gathering, recreation, and social interaction. The Property's Frederick Road frontage is also provided as public use space, which will create a welcoming and inviting presence for pedestrians, cyclists, and motorists. Portions of the Project's open areas will be enhanced with numerous landscaping, including shade trees, ornamental trees, evergreen trees, shrubs, as well as lawn areas.

The Project's proposed public use space includes an approximately 75-foot-wide easement area on the Property's northwestern edge, between the Project and the existing businesses towards Shady Grove Road, which the Applicant has coordinated with WSSC to program a proposed natural trail in a meadow setting with plantings, as well as lawn areas for active and passive recreation. The Project will also include a new pedestrian connection from the Property to the adjacent Mattie J.T. Stepanek Park.

The Project will be accessed along Frederick Road with a new public street (identified as Public Street A), as well as a new connection to Pleasant Drive (identified as Public Street F). The Project's other interior public streets (Public Streets B, C, D, E) will effectively distribute traffic from these access points to the Project's residential units and amenities, while discouraging cut-through traffic to King Farm by eliminating a direct connection from Frederick Road to Pleasant Drive. The public streets will also include five and six-foot-wide sidewalks and planting strips with street trees to encourage pedestrian activity. Along Public Street ‘F’, there is a children’s play area, as well as pedestrian connections to Frederick Road and the Farmstead. On-street spaces will be included in the public streets to accommodate parking for visitors and users of the community amenity. Private alleys will serve the rear-loaded residential units.

Per Sec. 25.07.02 of the Zoning Ordinance, based on tract size, number of expected dwelling units, residential area impact, and anticipated traffic impact, the Project will require approval of a Project Plan by the Mayor and Council with subsequent Level 2 Site Plan(s) approved by the Planning Commission.

Once an annexation occurs, the owners or developers of the annexed property are eligible to receive approval of regulatory plans to develop the property. The Applicant elected to submit its Pre-Application Meeting (PAM) application and initiate this project plan application while the proposed annexation is pending. The applicant filed the PAM application on December 11,
2020 and met with the Development Review Committee (DRC) on January 21, 2021. The project plan application was filed on May 4, 2021, and the DRC was held on June 17, 2021.

The application has been filed and processed as a Project Plan, which requires a recommendation from the Planning Commission, followed by a public hearing at Mayor and Council. Upon hearing all evidence, the Mayor and Council will render a final decision on the proposed project plan via adoption of a resolution, incorporating the findings as required by Section 25.07.01.b.2 of the Zoning Ordinance. If the application is approved, the Mayor and Council will establish a time period in which construction of the approved project plan must commence. After approval of the Project Plan, the Planning Commission will consider a site plan, or multiple site plans if the project is phased, implementing the Project Plan. The applicant filed the site plan application for the entire site on August 16, 2021.

**Project Analysis**

**Master Plan Compliance**

The Project is consistent with the 2040 Comprehensive Plan (“2040 Plan”), which was adopted by the Mayor and Council on August 2, 2021. The project is consistent with Comprehensive Plan Land Use Policy designation of OCRM (Office, Commercial and Residential Mix) for both the lot within the City boundary and that proposed for annexation. The project is also consistent with Action 5.3 ("Encourage architectural variety for townhouse and row house developments, and individual outdoor space that allows for individual expression and landscape variety.") and Action 6.1 ("Coordinate provision of neighborhood amenities as part of the approval process for conversions of commercial uses to residential uses. Allow for publicly and/or privately built and maintained parks, recreation amenities, and open space to serve this need, as appropriate.") of the Land Use Element, as well as Item 1 of Other Policy Recommendations in Planning Area 16 ("Support the annexation agreement and proposed residential development for the former King Buick properties on MD 355. New residential development in this area would be support to the King Farm Village Center.")

The project advances many of the goals of the 2040 Plan which features providing new housing that includes townhomes, two-over-two’s, and 58 MPDUs to meet the wide range of community needs, especially "missing middle" and affordable units, in walkable nodes near transit. New residents can support nearby existing retail uses, such as the King Farm Village Center. Annexing the Frederick Road lots to accommodate the Project will also serve the City’s interests, encourage reinvestment near the Shady Grove Metrorail station, and be accommodated by existing public services. Similarly, the Project is harmonious with the 2040 Plan’s Planning Area 16 objectives for the King Farm and Shady Grove neighborhood by enhancing the Frederick Road streetscape with buffered sidewalk and cycle track, ensuring the incorporation of park space to meet the needs of new residents, and providing public amenities, open space and pedestrian pathways, including connections to Frederick Road, Mattie J. T. Stepanek Park, and King Farm Farmstead from the Project.
This project fully complies with the provisions of the approved 2017 Bikeways Master Plan and incorporates provisions for the MD 355 Montgomery County Bus-Rapid Transit (BRT) Project, currently in the planning stage.

**Zoning Ordinance Compliance**
The site is zoned Mixed Use Corridor District ("MXCD"). Staff has reviewed the proposed development for compliance with the Zoning Ordinance and finds it to be consistent with those requirements. All development standards and open area and public use space requirements have been met. In addition, the applicant has complied with the landscaping and parking requirements of the ordinance.

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<thead>
<tr>
<th>MXCD (Mixed-Use Corridor District) Development Standards (Sec 15.13.05)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building Setbacks</strong></td>
</tr>
<tr>
<td>Max. Height</td>
</tr>
<tr>
<td>Residential Land Abutting</td>
</tr>
<tr>
<td>Allowed Required</td>
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<tr>
<td>Proposed</td>
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</table>

<table>
<thead>
<tr>
<th><strong>Parking</strong> (Sec 25.16.03)</th>
</tr>
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<tbody>
<tr>
<td>Land Use</td>
</tr>
<tr>
<td>Townhome, 188, rear load (2 per unit)</td>
</tr>
<tr>
<td>Townhome, 64, front load (2 per unit)</td>
</tr>
<tr>
<td>Stacked Condominium (1.5 per unit)</td>
</tr>
<tr>
<td>Community Center</td>
</tr>
<tr>
<td>Visitor Parking on front load driveways</td>
</tr>
<tr>
<td>Visitor Parking on condo driveways</td>
</tr>
<tr>
<td>On-Street Visitor Parking</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>

| Accessible Parking | 5 |
| On-Street Visitor (per PWOMAG Sec R214) | 5 |
| Community Center (on-street) | 1 |

<table>
<thead>
<tr>
<th><strong>Bicycle Parking</strong> (Sec.25.16.03)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required</td>
</tr>
<tr>
<td>Townhome/Stacked Condominium</td>
</tr>
<tr>
<td>Community Center</td>
</tr>
<tr>
<td>Short Term Space (2/10,000 SF)</td>
</tr>
</tbody>
</table>
Parking for the Proposed Community Center
Based on the parking requirements in the Zoning Ordinance, ten (10) off-street parking spaces are required for the proposed community center. Instead of providing parking on-site, the applicant is proposing to provide on-street spaces to meet the requirement, including an ADA accessible space. In the MXCD zone, the Mayor and Council, in the approval of a project plan, have the authority to reduce the required number of parking spaces for uses in the building or buildings to be constructed, provided that the criteria are met. This section provides Mayor and Council discretion in allowing reductions, including “for good cause shown.” Staff has reviewed and found that all other parking requirements are met, and visitor parking on the project overall is provided at a rate of .76 spaces per unit, exceeding the recommended ratio of .50, including 95 on-street spaces. Since there are more than adequate spaces on the street, staff finds that reducing the parking on the community center site to zero and providing ten (10) on-street spaces nearby, the area for the community center is maximized, while the parking needs are met, and is in support of this proposal as stated in the annexation agreement.

Open Area and Public Use Spaces
The Project exceeds the requirements for open area and public use space. Specifically, the Project provides 42.4% of net lot area as Open Area (376,076 SF) and 13.8% of net lot area as Public Use Space (122,635 SF). Section 25.13.05(b) (l) of the Zoning Ordinance requires 15% Open Area and 10% Public Use Space in the zone. Public Use Space connects Frederick Road along A Street as a pedestrian pathway to the main open space at the Community Center and extends to south of D Street. The Community Center includes a pool, and park elements with residential amenities and hardscaped features. Other public use spaces are located at F Street that includes children’s play areas with pedestrian pathway connections to Frederick Road and potentially to the Farmstead and proposed parking lot. A 75-foot-wide easement area designed as a Public Use Space is located at the northwestern edge of the Project, and includes a natural trail in a meadow setting with plantings and lawn areas.

Building Height
The Project fits within the heights and densities allowed in the MXCD Zone. The townhouses will be approximately three floors with an optional loft as the 4th floor at 45-feet in height, and the two-over-two townhome condominiums are 4 floors and 55-feet in height. The Project is building less than the maximum height allowed per the Development Standards of the Zoning Ordinance, since 75 feet is the maximum height for this zone.

Infrastructure/ Adequate Public Facilities Standards (APFS)
Water and Sewer
The proposed development is located within the Washington Suburban Sanitary Commission’s (WSSC) service area for water and sanitary sewer. The applicant will construct a network of water and sanitary sewer infrastructure to serve the development that complies with all WSSC requirements. The applicant has received Hydraulic Planning Analysis (HPA) approval from WSSC in a Letter of Findings dated August 11, 2021, which details the sewer and water service
required to serve the proposed development. Approval of the HPA is required prior to Project Plan approval by the Mayor and Council.

Schools
According to the Montgomery County Student Generation Rates for Housing Types in Turnover Areas (effective January 1, 2021), the Project is projected to generate approximately 61 new elementary students, approximately 30 new middle school students, and approximately 33 new high school students, or approximately 124 new students for grades K-12. Students generated by the Project would attend Gaithersburg High School, Forest Oak Middle School, and Rosemont Elementary School. According to the adopted FY22 Education Facilities Master Plan and Amendments to the FY 2021-2026 Capital Improvements Program, Forest Oak Middle School, and Rosemont Elementary School are projected to have adequate school capacity based on School Projections for September 2026 to accommodate students generated. Projections indicate enrollment at Gaithersburg High School will exceed capacity by 200 seats or more by the end of the six-year planning period. Expenditures are programmed in the six-year period to open a new high school on the Crown Farm site to address over-utilization in the mid-county region.

Stormwater Management
Stormwater Management (SWM) for this project will be provided in compliance with the Pre-Application SWM Concept Approval Letter dated June 17, 2021 and the Annexation SWM Concept Approval Letter dated August 31, 2021. The Pre-Application SWM Concept Approval Letter lists project specific conditions of approval. The Project intends to meet the redevelopment requirements of on-site stormwater management for both Environmental Site Design (ESD) and Channel Protection Volume (CPV) through a variety of measures. ESD facilities are proposed to include permeable pavement in alleyways, roadside micro-bioretention structures, and larger planter box micro-bioretention structures. CPV measures are expected to include underground vaults for storage and filtration systems. A monetary contribution is being provided by the applicant in lieu of providing on-site quantity management and the remaining onsite water quality management.

Historic Resources
The site to be developed has been determined to have no historical significance through the NRI/FSD (Natural Resource Inventory/Forest Stand Delineation) review process.

Traffic and Transportation Review
The application prepared a transportation report for review in accordance with the City's Comprehensive Transportation Review (CTR) guidelines, and per the scoping agreement. As of preparation of the staff report, not all review agencies have provided final review comments of the revised transportation report. Upon staff’s review, the project will not have a detrimental impact to the studied intersections that were scoped, provided that specific improvements are implemented which are detailed in the approval conditions.
Access
The current site is served by a total of four driveway aprons on MD 355 (Frederick Road), two of which are not currently active. This application proposes to remove three of the existing driveway access points, consolidating all into one improved full-access intersection with MD 355 as a primary site access for the project. The secondary access point to the development is proposed on the southwest corner of the site providing an intersection with the existing Mattie Stepanek Park Road that will become Pleasant Road extended. The provision of the secondary access provides the required redundancy for fire and emergency access. The Project’s internal public streets are designed in such a way that they will effectively distribute traffic from Frederick Road to the Project’s residential units and amenities, but discourage a direct connection from Frederick Road to Pleasant Drive. The public streets include buffered sidewalks with street trees, in accordance with City standards, encouraging pedestrian activity. On-street parking spaces will be included in the public streets to accommodate parking for visitors and users of the community amenity. Private alleys will serve the rear-loaded residential units.

Traffic

Summary of Findings
The table below summarizes the findings for the existing conditions, background conditions and future conditions for the study intersections, as prepared for the Comprehensive Transportation Review (CTR) and reviewed by staff.

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Traffic Control</th>
<th>Intersection Capacity</th>
<th>v/c Threshold</th>
<th>LOS Threshold</th>
<th>MOE</th>
<th>2020 Existing Conditions</th>
<th>2024 Background Conditions</th>
<th>2024 Total Future Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>AM</td>
<td>PM</td>
<td>E</td>
<td>AM</td>
<td>PM</td>
<td>E</td>
<td>AM</td>
</tr>
<tr>
<td>Frederick Road &amp; Shady Grove Rd</td>
<td>Signalized</td>
<td>1550</td>
<td>1550</td>
<td>0.99</td>
<td>E</td>
<td>CLV</td>
<td>1.481</td>
<td>2.791</td>
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<tr>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>v/c</td>
<td>0.96</td>
<td>0.83</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>LOS</td>
<td>E</td>
<td>D</td>
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<tr>
<td>Frederick Road &amp; Full-Access Site</td>
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<td>1600</td>
<td>1600</td>
<td>0.99</td>
<td>E</td>
<td>CLV</td>
<td>1.082</td>
<td>2.099</td>
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<tr>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>v/c</td>
<td>0.68</td>
<td>0.62</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>LOS</td>
<td>B</td>
<td>B</td>
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<tr>
<td>Frederick Road &amp; RIRO Site</td>
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<td>CLV</td>
<td>1.099</td>
<td>2.076</td>
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<tr>
<td></td>
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<td></td>
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<td>v/c</td>
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<td>LOS</td>
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<td>A</td>
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<tr>
<td>Frederick Road &amp; Ridgeford Ave</td>
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<td>v/c</td>
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<td>LOS</td>
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<td>A</td>
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<tr>
<td>Piccard Drive &amp; Pleasant Drive</td>
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<td>1600</td>
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<td>CLV</td>
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<td>1.55</td>
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<td>v/c</td>
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<td>0.10</td>
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<td></td>
<td></td>
<td>LOS</td>
<td>A</td>
<td>A</td>
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<tr>
<td>Park Road &amp; Rear Site</td>
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<td>1600</td>
<td>0.79</td>
<td>C</td>
<td>CLV</td>
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<td></td>
<td></td>
<td></td>
<td>v/c</td>
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<td>N/A</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>LOS</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

The intersection capacity analysis under existing traffic conditions indicates all intersections operate within acceptable capacity thresholds, as required by the CTR, during both the AM and PM peak hours, with the exception the intersection of Frederick Road and Shady Grove Road, which operates near the required threshold during the AM peak hour.

With the background condition, all study intersections, with the exception of Frederick Road and Shady Grove Road, will continue to operate within acceptable capacity thresholds during
both the AM and PM peak hours. The increase in peak hour volume due to growth and background developments is projected to result in the Frederick Road and Shady Grove Road intersection operating slightly above the acceptable threshold in the AM peak hour.

Under total future traffic conditions, all intersections, except the intersection of Frederick Road and Shady Grove Road, operate under the acceptable threshold for AM and PM peak hour. The intersection of Frederick Road and Shady Grove Road will continue to operate slightly above the acceptable threshold in the AM peak hour. This intersection requires no additional mitigation since the CTR requires mitigation, only when the projected volume-to-capacity ratio for total traffic is more than 0.01 (a full one percent) than the projected volume-to-capacity ratio for background traffic. For all conditions, it was assumed that the primary access point, the intersection with Frederick Road, would be improved with a traffic signal.

**Bicycle/Pedestrian Access**

The site is surrounded by a pedestrian network providing access to points of interest. Proposed enhancements from the development provide access to Mattie Stepanek Park, the King Farm Farmstead, and the existing King Farm neighborhood. Enhanced pedestrian improvements, in line with Vision Zero recommendations, are proposed at the intersections of Street F and Pleasant Drive extended, and Piccard Drive and Pleasant Drive. The applicant proposes buffered sidewalks on both sides of the public roads throughout the site, in accordance with the City’s standard residential road section. The Frederick Road frontage will include a 10-foot-wide buffered cycle track, as recommended by the City’s 2017 Bikeway Master Plan, along with a new buffered 6-foot-wide sidewalk. Pending approval from WSSC, a recreational trail will extend from the Frederick Road sidewalk to the western limit of the property, with connections to the proposed neighborhood roadways.

**Transit**

The site is approximately 0.7 miles from the Shady Grove Metro Station, and existing sidewalks provide a walking route to the station. The nearest bus stop is located approximately 0.1 miles south of the proposed main driveway on Frederick Road. Bus service to this location is provided by Montgomery County Ride-On routes 43, 59, 55, and 67, which run along MD 355.

**Environment**

**Environmental Guidelines**

No rare, threatened, or endangered plant or animal species were observed onsite or are recorded among the Maryland Department of Natural Resources records. There are highly erodible soils found within the site.

**Forest and Tree Preservation Ordinance (FTPO)**

In accordance with the FTPO, the 20.35-acre site is required to comply with all three of the following ordinance requirements: forest conservation, minimum tree cover, and significant tree replacement. The Preliminary Forest Conservation Plan (PFCP) was approved on August 26,
2021, pending Planning Commission approval of the site plan (in addition to approval conditions referenced later in this document). The project proposes to meet all the FTPO requirements, and the attached approval letter that outlines the specifics of the FTPO requirements.

**Forest Conservation**
The site is required to meet a minimum of 3.09 acres of forest conservation. The developer is proposing to meet this requirement on-site through the retention of existing forest, in addition to the planting of trees for individual tree credit. The applicant is proposing to meet the forest conservation requirement on-site with no requested fee-in-lieu.

**Significant Trees**
Sixteen (16) significant trees are proposed for removal. The replacement requirement is thirty (30) trees. The Preliminary FCP provides for all the replacement trees to be planted on site including one (1) offsite tree to be replaced offsite.

The applicant is proposing to remove two (2) specimen trees from the site. A specimen tree is defined by the FTPO as a tree that is equal to or greater than thirty inches (30”) in diameter at breast height or seventy-five percent (75%) of the diameter of the state champion tree of that species. The applicant has provided justification for the removal of the specimen trees consistent with requirements established in FTPO Chapter 10.5-21(e), which has been approved by the forestry reviewer.

**Minimum Tree Cover**
The minimum tree cover requirement is 10% of the tract area or 2.05 acres of tree cover. This requirement will be exceeded through new tree plantings on the site to meet forest conservation and significant tree replacement requirements.

**Street Trees (Zoning Ordinance Section 25.21.21)**
In accordance with the Zoning Ordinance (Section 25.21.21), the developer is required to provide street trees at a maximum spacing of forty feet (40’) on center within the public right-of-way (or adjacent if necessary). The developer is requesting a waiver to Section 25.21.21 for street tree requirements as it relates to both spacing and quantity of street trees. Staff has reviewed the waiver request and recommends it for approval by the Planning Commission at the time of Site Plan review. The developer is proposing to remove zero (0) existing street trees for development purposes.

**Trees per Residential Lot (Zoning Ordinance Section 25.21.21)**
The developer is required to provide a minimum of three (3) trees per residential lot consistent with the Zoning Ordinance. The current ordinance does not call out a specific trees-per-lot requirement for townhome lots; however, staff has proposed an ordinance amendment to define this. Due to the limited lot size for townhomes, there are not adequate areas to plant three trees per lot and meet the required tree area. The proposed development requires seven
hundred and seventy-four (774) lot trees to meet this requirement. The developer will request a waiver from this requirement from the Planning Commission. The applicant is proposing that the aggregate tree total planted on the site to meet afforestation and significant tree replacement be allowed to count towards the minimum lot tree requirement, although the trees are provided off the lots. The developer is currently proposing to provide a total of six hundred and eighty-four (684) trees on the site, off the lots. One hundred and eleven (111) of these trees are provided in addition to other forestry requirements on the site. Staff has worked with the developer to maximize plantings under the current site design, supports the applicant’s waiver request, and has committed in the annexation agreement to recommend approval of the waiver to the Planning Commission. The Planning Commission has previously approved similar waivers on other townhouse projects. (See the attached letter from the applicant detailing their proposed waiver request).

Landscaping

The development of the site is subject to the current requirements of the City of Rockville Landscape, Screening and Lighting Manual. The approved PFCP/landscape plan is compliant with applicable landscaping standards established in the manual.

Annexation Agreement Compliance

The annexation agreement establishes a concept plan for the development. In addition, EYA and the City both make a number of commitments in the agreement as summarized below.

As part of the annexation agreement, a parking lot with 47 spaces is proposed to be designed and constructed by EYA at the Mayor and Council’s preferred location between EYA’s development and the three smaller Farmstead buildings. In addition to the location and number of spaces, the agreement outlines the process for design, permitting, and construction. The applicant is responsible for design and construction while the City is responsible for development approvals and permitting. A separate site plan application for the Farmstead site is required and will occur along with the site plan for the residential portion of the Project.

Because the farmstead is designated as historic, the proposed parking lot is subject to Historic District Commission review. The Historic District Commission (HDC) held a courtesy review at their August 1 meeting and provided feedback about the location of the parking lot including landscaping, screening, and the proposed material. Staff will work with the applicant to ensure that this is done for the HDC’s consideration.

In addition, the agreement also:

- Establishes that City staff supports:
  - the open space and public use space proposed by EYA;
  - the waiver to the requirement for three trees per lot;
- flexible parking standards for the community center;
- Commits the City to grant road code waivers;
- Commits the City to re-dedicating a portion of Pleasant Drive for use as a public right-of-way and allows for the development to connect to this portion of Pleasant Drive;
- Identifies other transportation improvements and right-of-way dedication:
  - MD 355 frontage improvements:
    - A 10-foot-wide cycle track and a buffered 6-foot-wide sidewalk along the entire frontage;
    - Full accommodation for the MD355 Bus Rapid Transit (BRT);
    - Full signalization of the main site access on MD355, with interconnections to other signals along MD355.
  - Pedestrian connections to Mattie Stepanek Park and the Farmstead;
  - Recreation pathway through the area encumbered by the WSSC easement;
  - Provision of a secondary vehicular, pedestrian, and bicycle access to the Stepanek Park roadway and Pleasant Drive, with pedestrian enhancements, including curb bump outs and crosswalks;
  - Pedestrian-related improvements at the intersection of Piccard Drive and Pleasant Drive, as well as at the intersection of Pleasant and Piccard drives.
- Provides easements and construction access for the King Farm Farmstead;
- Establishes that undergrounding of existing utilities along Frederick Road is not required except for the electrical connection to King Farm Farmstead;
- Outlines requirements for historic review;
- Establishes terms for compliance with the design guidelines in the Zoning Ordinance.

The proposed development is consistent with the concept plan and these terms of the agreement as detailed throughout this report.

**Moderately Priced Dwelling Units (MPDU)**

The City Code requires a minimum of 15% MPDU set-aside, which would amount to 56 MPDUs. However, the Mayor and Council instructed staff to work with EYA to try to secure additional MDPU(s) beyond the code requirement, with the final count to be reflected in the annexation agreement. The annexation agreement commits EYA to providing these two additional MPDUs beyond the 15% requirement, distributed between townhomes and two-over-two units at the following affordability levels:

<table>
<thead>
<tr>
<th>King Buick Proposed MPDU Distribution</th>
<th>AMI Level</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>50%</td>
</tr>
<tr>
<td>15% Requirement-56</td>
<td>16</td>
</tr>
<tr>
<td>Additional Units-2</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>16</td>
</tr>
</tbody>
</table>
Findings

In accordance with Section 25.07.01.b.2. of the Zoning Ordinance, a project plan may be approved only if the applicable approving authority finds that this application will not:

a. Adversely affect the health or safety of persons residing or working in the neighborhood of the proposed project;

The Project includes a mix of residential uses that will enhance the community with a variety of housing options, including needed townhome and two-over-two stacked condominium housing and a MPDU unit mix that will include 39 townhouses, 16 condominiums in two-over-two townhomes. The Project is designed as a walkable community to reduce the impact on traffic. The project complies with all applicable ordinances that ensure health and safety are met as described in this report.

b. Be in conflict with the Plan;

The Project advances many of the goals of the 2040 Plan by replacing an underutilized auto dealership, surface parking lot and undeveloped land with a vibrant residential community, including townhomes, two-over-twos and 58 MDPUs to meet the wide range of community needs, especially "missing middle" and affordable units, in walkable nodes near the Shady Grove Metro Station. The Project is supported by public use space, open space and pedestrian pathways that connect to and support the Farmstead, Frederick Road and Mattie J. T. Stepanek Park. New residents will also support nearby existing retail uses, such as the King Farm Village Center. Applicant will incorporate high-quality design in all aspects of the Project, including public open spaces and landscaping and thoughtful architecture. The project complies with all applicable ordinances that ensure the public welfare as described in this report.

c. Overburden existing and programmed public facilities as set forth in article 20 of this chapter and as provided in the adopted adequate public facilities standards;

The proposal is compliant with all requirements of the Adequate Public Facilities Ordinance (APFO) in that the applicant has adequate means to obtain sewer and water service to the site and meets the transportation and school capacity requirements of the Adequate Public Facilities Standards (APFS). Based on the analysis conducted, the proposed development will not have a detrimental impact on the existing and planned transportation network, provided certain improvements as noted in the approval conditions are implemented. The Project will not overburden existing and programmed public facilities as set forth in Article 20 of the Zoning Ordinance and as provided in the adopted adequate public facilities standards.

d. Constitute a violation of any provision of this Code or other applicable law; or
The Project does not constitute a violation of any provision of the Zoning Ordinance or other applicable law. As described, the Project meets or exceeds the development standards for the MXCD zone. Further, parking, lighting, open space, public use space, and landscaping for the Project are all in accord with the City's requirements, as illustrated by the attached plans, subject to the Mayor and Council and Planning Commission approval of the noted waivers. The Project was also specifically designed to comply with the design guidelines for all mixed-use zones, as well as the design guidelines applicable to the MXCD zone.

The Project is compatible with and will complement the surrounding uses and properties. The Project is surrounded by other MXCD zoned properties and the mixed-use Planned Development of King Farm. The Project replaces an outdated auto dealership and surface parking lot with a modern residential community featuring missing-middle housing. It will serve to provide activation of the existing nearby commercial uses and additional ridership to the Metro Shady Grove Station.

e. **Adversely affect the natural resources or environment of the City or surrounding areas.**

The Property is currently improved with largely impervious surface: a one-story auto dealership structure, paved surface parking lots and undeveloped land. The Project will reduce the existing impervious surfaces. It will also include modern storm water management features as detailed on the Storm Water Management Concept Plan. The application meets all forest conservation requirements under City Code Section 10.5-22.

**Recommendation and Conditions**

In summary, staff concludes that the proposal is compliant with all applicable codes and regulations and recommends approval of Project Plan Application PJT2021-00013, based on the above findings. Staff also recommends that the Mayor and Council approve flexible parking standards for the community center, finding that the applicant’s request is consistent with the intent of section 25.16.03.h. To ensure compliance with the findings at the site plan phase, staff recommends approval with the conditions below, to be incorporated into a Mayor and Council resolution of approval. (Please note that staff and the applicant are discussing some of the specific terms of the conditions, and there may be slight changes to these in the final recommendation and resolution).

**Planning and Zoning**

1. The applicant shall comply with the City’s Publicly Accessible Art in Private Development Ordinance. Applicant must provide a concept for approval prior to issuance of a building permit.
2. The buildings shall meet all applicable handicap-accessibility requirements of the State of Maryland and the Americans with Disabilities Act of the Federal Government, as well as all construction code requirements of the City of Rockville.

3. The applicant shall relocate and underground the existing electrical connection to the Farmstead from Route 355/Frederick Road as shown on the Project Plan.

4. The Project Plan shall have a validity period of 12 years.

Department of Public Works Engineering

5. The applicant must construct all proposed roads, private alleys and all public improvements within the Property and Frederick Road and Pleasant Drive rights-of-way per City standards and specifications, except as otherwise approved or waived. Minor deviation from the approved cross-sections requires approval from the Director of Public Works at the Site Plan phase. The right-of-way for all public roads within the Property must be dedicated to public use and be reflected on a Final Record Plat, to be reviewed by staff and approved by the Planning Commission and other agencies having jurisdiction of the right-of-way.

6. The street cross-sections for Streets A, B, C D, E and F are contingent upon the Mayor and Council’s authorization of Road Code Waivers from Chapter 21 of the Rockville City Code. Should the Mayor and Council approve the Road Code Waivers, all street sections shall comply with the Project Plan and exhibits. Any deviation from the sections must be approved by the Director of Public Works at the Site Plan phase.

7. The applicant shall dedicate to the City for public use any property along the property frontage that lies within a minimum 75-feet from the existing roadway center located beyond the existing SHA Frederick Road right-of-way. The right-of-way to be dedicated shall be in accordance with the Project Plan and exhibits, including those coordinated with MCDOT to accommodate the future MD 355 Bus Rapid Transit. Any deviation must be approved by the Director of Public Works at the Site Plan phase.

8. The applicant shall grant to the City all Public Improvement Easements (PIE) as shown on the Project Plan and exhibits. Any deviation from the location of the PIE must be approved by the Director of Public Works at the Site Plan phase.

9. Applicant shall construct all necessary public improvements, including but not limited to street trees, streetlights, street light conduit, and traffic signals in accordance with all applicable City standards, or the standards of the jurisdiction of the corresponding right-of-way. Public improvements shall be located within the
right-of-way or within a Public Improvements Easement as approved by the Director of Public Works.

10. The applicant must grant a Public Access Easement (PAE) across the entire width of the privately maintained alleys and grant a 1’ Public Improvement Easement (PIE) adjacent to public rights-of-way for maintenance of public sidewalks as shown on the Project Plan Road Cross Sections. The PAE and PIE must be reviewed and approved by DPW and in a format acceptable to the City Attorney’s Office and be recorded in the Montgomery County Land Records, prior to DPW issuance of any Public Works (PWK) permit. Applicant shall execute a Revocable License and Maintenance Agreement for the shared maintenance of Stormwater Management Facilities located within the public right-of-way. The agreement must be executed by the property owner and other parties of interest for review and approval by DPW and the City Attorney’s Office. The Revocable License and Maintenance Agreement must be authorized by the Mayor and Council, and must be recorded in the Montgomery County Land Records prior to DPW issuance of any Stormwater Management (SMP) permit.

11. Applicant shall comply with all conditions of WSSC’s Hydraulic Planning Analysis (HPA) and Letter of Findings dated August 11, 2021 as may be amended.

12. Applicant shall comply with the conditions of DPW’s Pre-Application SWM Concept Approval Letter dated June 17, 2021 and Annexation SWM Concept Approval Letter dated August 31, 2021 as may be amended.

13. The applicant shall construct dry utilities underground within Public Utility Easements unless otherwise permitted to be located elsewhere by the Director of Public Works. At the Site Plan phase, the Applicant shall submit a conceptual dry utility plan to be approved by both the utility companies and the Department of Public Works.

14. The applicant must obtain all necessary approvals and/or permits for all driveway access points and utility connections proposed on the Project Plan from all agencies with jurisdiction, including MDSHA and the City of Rockville.

15. The Mayor and Council must authorize the termination of any existing easement that is dedicated to the City of Rockville. Any termination of an easement dedicated to the City must be reviewed and approved by DPW in a format acceptable to the City Attorney’s Office and be recorded in the Montgomery County Land Records prior to issuance of any DPW permit. If required by the terms of any existing easement granted to an entity other than the City of Rockville, Applicant must submit plans for work within the easement to Grantee for review. If Grantee’s permission for such work is required, the Applicant must secure Grantee’s written permission for any proposed development activity within the easement, or the
easement must be extinguished, prior to the submission of an application for any DPW permit.

16. Submission for review and approval by the City Attorney’s office prior to DPW permit issuance, 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.

17. The applicant shall relocate and underground the existing electrical connection to the Farmstead from Route 355/Frederick Road as shown on the Project Plan.

18. The applicant shall coordinate with SHA as necessary and construct the Farmstead entrance from Route 355/Frederick Road to the existing and/or proposed access road serving the Farmstead as shown on the Project Plan.


Traffic and Transportation

20. A traffic signal at the entrance to the development on MD 355 will be required, with corresponding interconnections per MD SHA and/or Montgomery County DOT requirements and standards to the adjacent signals at the intersections of Ridgemont/355 and Shady Grove/355. The applicant shall obtain design approval for the signal and all related improvements per MD SHA and/or MCDOT, and fully bond the entire cost with the City prior to issuance of any building permit on the subject site. The actual construction of the signal and interconnections and any other related improvements required by the Maryland State Highway Administration (owner of signal), and Montgomery County Department of Transportation (operator of signal) must be completed prior to project buildout and/or when warranted and permitted by MDSHA and/or MCDOT, whichever occurs first.

21. Prior to the issuance of the 50th occupancy permit or at a time stipulated by WSSC, whichever is sooner, the applicant shall construct the path through the WSSC easement area and on the northern section of the site as shown on the submitted plan with direct connections to the proposed frontage improvements along MD 355. Construction of the path shall be made in accordance with any requirements from WSSC, and per the City requirements and standards.

22. Prior to the issuance of any occupancy permit, the applicant shall replace the existing sidewalk along the property frontage of MD 355 with a buffered 10-foot-wide cycle track, an 8-foot wide landscape panel, and a 6-foot wide sidewalk within the dedicated area as shown on the site plan and as recommended by the 2017
approved Bikeway Master Plan. The design is subject to minor modifications as needed for accommodating the existing above-ground utilities to remain.

23. Prior to the issuance of the 50th occupancy permit, the applicant shall construct curb bump outs, ADA accessible sidewalk ramps, and crosswalks on all approaches to the intersection of proposed Street F with Pleasant Drive extended, as shown on the project plan. The design is subject to minor modifications, as necessary, during the site plan phase.

24. Prior to the issuance of any occupancy permit, the applicant shall construct the required intersection improvements as shown on the project plan that improve and enhance safe pedestrian and bicycle accommodation at the intersection of Piccard and Pleasant Drive. The recommended improvements include adjustments to the curb radii, ADA compliant curb ramps, crosswalks and signage. The design is subject to minor modifications, as necessary, during the site plan phase.

25. Prior to the issuance of the 50th occupancy permit, the applicant shall construct and extend a sidewalk connection with sufficient bike accommodation, as deemed necessary by the City, from approximately midpoint of proposed street D to the existing Park access Road and its parking lot, as shown on the project plan.

24. All internal and external traffic control devices (i.e., signs, markings and devices placed on, over or adjacent to a roadway or walkway) 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).

25. An on-site signing and pavement marking plan must be approved by the Chief of the Traffic and Transportation Division at the time of Site Plan Signature Set approval and prior to any building permits being issued.

26. Prior to the issuance of the occupancy permit, the applicant shall pay the County's Development Impact Tax, as applicable, subject to the credits/offsets allowed by Montgomery County. The applicant shall submit a receipt of payment to the Inspection Services Division of the Department of Planning and Development Services, and the Traffic and Transportation Division of the Department of Public Works.

27. Prior to issuance of any occupancy permit, the applicant shall install light-emitting diode (LED) streetlight fixtures within the proposed development. Streetlight materials and locations of lights shall be approved prior to the issuance of any Public Works permits.
28. The Applicant shall pay the City’s Transportation Improvement Fee as provided in the Comprehensive Transportation Review (CTR). The fee of $900 per residential unit must be paid prior to the issuance of any occupancy permit.

29. Prior to issuance of a PWK permit, one of the two following items must be complete:
   - Adoption by Mayor & Council of the applicant’s road code waiver in accordance with the Rockville City Code, or
   - Submission and approval of a new site plan that would include the required minimum ROW and pavement width for all proposed roadways within the subject site, in accordance with approved DPW standards.

30. Prior to the issuance of any occupancy permit for the proposed community building, the applicant shall install the required short-term and long-term bike parking as required by the zoning ordinance, and as shown on the project plan.

**Forestry**

A Final Forest Conservation Plan (FCP) must be reviewed and approved by the City with the signature set site plan submission and prior to release of any Building, Forestry or DPW permits associated with site plan submission. The Final FCP shall be generally consistent with the Preliminary Forest Conservation Plan (PFCP) and approval letter and provide tree plantings consistent with outlined requirements. Final FCP and the site plan must comply with the Forest and Tree Preservation Ordinance (FTPO) and Zoning Ordinance. In addition to compliance with applicable codes, the following specific directives must be followed unless modified by the City Forester:

31. Ensure tree plantings meet minimum spacing requirements, which include:

   - Shade trees spaced 20 feet apart, and large or small evergreens and ornamental trees spaced 15 feet apart. Shade trees 15 feet from ornamental trees. Spacing between evergreens and shade trees is either 15 or 20 feet, as determined by the City because distance is dependent on the growth habit of the evergreen, which is species/cultivar-specific.
   - 10 feet from wet and dry utilities, except when these are under streets.
   - 15 feet from streetlights and driveways (DPW to provide requirements for sight distances and stop signs).
   - 10 feet from inlets.
   - Shade trees and large evergreens shall be spaced a minimum of 7 feet, and ornamental trees and small evergreens to be spaced a minimum of 5 feet from micro bioretention underdrain pipes (6" diameter and smaller).
   - Street trees can be planted over stormwater conveyance pipes when pipes have a minimum of 4 feet of cover and are immediately behind the curb.
o Trees planted to meet FTPO or other forestry requirements on the site may not be located within existing or proposed easements (excluding forest conservation easements).

32. The Applicant must submit a Final Forest Conservation Plan (FFCP) which meets the minimum requirements approved with the PFCP plan for the proposed limits of the site plan.

33. Use current City tree tables.

34. Use current City FTPO notes and details.

35. Ensure the plan does not contain overwrites and is prepared per the general structure requirements for Final FCPs.

36. Soil augmentation per the city’s Forest and Tree Preservation Ordinance Notes will be required prior to installation of new trees within existing green space or where pavement was previously located. The current ordinance notes at the time of Final FCP submission shall be included on the Final FCP.

37. Graphically delineate the areas where soil removal and replacement is required prior to installation of all new trees.

38. At the time of site plan submission, the Applicant must submit a landscape plan for that subject property consistent with all City ordinances.

39. The applicant must address all comments provided on the most recent PFCP submission plans by the forestry reviewer.

40. The applicant is required to comply with the approved PFCP letter, as may be amended.

41. Applicant must secure the tree planting waivers pursuant to Sec. 25.21.07 of the Zoning Ordinance, as approved by the Planning Commission.

Fire Marshal

42. Provide details of proposed Fire Lanes for this project.

43. Provide fire flow calculations when Building Plans are submitted for review.

44. Submit a Fire Protection Site Plan with the following information:
a. Provide 2 Access points into the project, with perimeter access of 450 feet walk around exterior of each sprinklered building, road width dimensions (FD Access Roads must be a minimum 20 feet).
b. Establish Fire Lanes for all structures.
c. Provide a Turning Template for Fire Apparatus, with interior radius of 25 feet and exterior radius of 50 feet.
d. Show all new/existing fire hydrants facing towards the street located with fire flow water calculations for project.
e. Overhead vertical obstructions must be no lower than 16 feet in height.
f. Each leg of "T" turnaround must be 60 feet.

**Moderately Priced Dwelling Units (MPDUs)**

45. The applicant is required to provide a minimum of 15% of the residential units as Moderately Priced Dwelling Units (MPDUs). Now the City will have 58 MPDU units as per latest discussion: 18 stacked condominium townhomes and 40 townhomes.

46. Residential units constructed on the site must comply with the standards and requirements of the Rockville Moderately Priced Dwelling Unit Ordinance, Chapter 13.5 of the Rockville City Code.

47. The minimum square footage for an MPDU townhouse with 3 bedroom and 2 bath is 1200 square ft, per the City’s MPDU regulations.

48. The MPDU units must be blended with the other market rate units.

49. The MPDU units must not be distinguishable from the market rate units.

50. The MPDUs should not be overly concentrated in any one area of the project.

51. The Declaration of Covenants for sale of properties must be recorded before issuing any building permit.

**Mayor and Council History**

The 16160/16200 Frederick Road property is currently located in Montgomery County and is proposed to be annexed into the city via Annexation petition ANX2020-00146. The Mayor and Council introduced a resolution to enlarge the City's corporate boundaries and had a public hearing on the requested annexation on May 17, 2021. In addition, on September 13, 2021, Mayor and Council authorized the City Manager to approve an annexation agreement that contains terms for development of the property, as well as commitments from both EYA and the City Council, that includes EYA building a 47-space parking lot on the King Farm Farmstead site. The Mayor and Council held a briefing on this proposed project plan on July 19, 2021. At
the October 4, 2021 meeting, Mayor and Council adopted a resolution to enlarge the corporate boundary to include the King Buick property and an ordinance to amend the zoning to apply the MXCD zone on the annexed property. Mayor and Council are scheduled for a public hearing on this item at this same meeting.

**Public Notification and Engagement**

Pursuant to Section 25.07.05 of the Zoning Ordinance, a Project Plan requires that the applicant reach out to the neighborhood and conduct two public area meetings: a pre-application area meeting held during the pre-application process, and a post-application area meeting held following submittal of the project plan application. The project applicant has complied with both requirements including written and electronic notification. The applicant held a pre-application area meeting on November 24, 2020 (2 residents were in attendance) and a post-application area meeting on June 3, 2021 (2 residents in attendance) with the required notifications accomplished accordingly.

Project Plan applications require briefings on the application at both a Mayor and Council meeting and a Planning Commission meeting early in the application process. This requirement provides an early opportunity for both bodies to provide feedback on the proposed development. The Project Plan briefing was held at the Planning Commission meeting on June 23, 2021 and at Mayor and Council on July 19, 2021. After the briefings, the project is subject to staff review, a recommendation from the Planning Commission, and approval by Mayor and Council. This approval must occur after the annexation resolution is adopted. After approval of the Project Plan, the Planning Commission will consider a site plan, or multiple site plans if the project is phased, implementing the Project Plan.

Changes have been made based on staff comments. Five townhouse units that were shown abutting the King Farm farmstead in the pre-Application Meeting submission have since been replaced with additional public use space envisioned to contain playgrounds and other amenities.

Applicant has made other changes to the project now reflected in the project plan Application in response to City staff comments on the pre-Application Meeting submission. The Project has been updated to incorporate a large consolidated centralized area that includes a 2,280 square-foot community amenity building with pool, the parking to be provided entirely off-lot in on-street parking located across the street. The design of the community center references architectural elements of the King Farm Farmstead and its light industrial vernacular elements, which includes a standing seam metal hip roof, a mix of wood and metal horizontal siding, canopies, metal frame doors and windows, and brick veneer.
Since the briefing to the Planning Commission on June 23rd, the Applicant has improved pedestrian connectivity to the adjacent streets, King Farm Park and Farmstead. Pedestrian pathways have been created that connect Public Street F with MD 355, adjacent to the King Farm Farmstead. Another pedestrian path connects Public Street D to Pleasant Drive. These paths promote walking and discourage auto use to nearby points of interest.

Another post-application area meeting was held on August 31st in relation to the site plan in which the Applicant made a presentation and answered questions. The meeting notice was posted to NextDoor, a social networking service for neighborhoods, added to the City’s website calendar, included in the Development Watch Newsletter, and sent out using various City email lists. Approximately 10 residents participated in the virtual community meeting.

The community concerns expressed that evening focused on appropriate density, adequate public open space, and the potential for through traffic into the King Farm neighborhood. Staff believes that these concerns have been addressed through the project plan. Below is staff’s response to these concerns.

**Appropriate Density**
The Project has been designed well below the maximum density that is permitted. The maximum height in the MXCD Zoning District is 75-feet, which would generate approximately 1.8 million square feet of development. The Project’s gross development square footage is approximately 800,000 square feet. The Project is designed with two-over-two condominiums that are 55-feet in height along the MD-355 street frontage, which steps down to 45-foot tall townhomes within the interior of the project.

**Public Open Space**
Several of public participants expressed concern whether the open space requirements were being met. The Project exceeds the requirements for open area and public use spaces. Specifically, the Project provides 42.4% of net lot area as Open Area (376,076 SF) and 13.8% of net lot area as Public Use Space (122,635 SF). Section 25.13.05(b) (l) of the Zoning Ordinance requires 15% Open Area and 10% Public Use Space.

**Cut-through traffic concerns**
Some of the meeting’s discussion focused on the potential that some site-generated traffic would cut through the King Farm neighborhood. Participants asked whether a north access from the site to Shady Grove Road would be possible, and whether a traffic study is available to support the Project and demonstrate impacts to the adjacent neighborhood.

In the applicant’s prepared transportation report, traffic impacts for the project were documented and mitigations were recommended. Special studies were requested by staff to
evaluate the effect on King Farm, including a study to evaluate cut-through traffic within the community. The consultant evaluated alternate routes utilizing King Farm, as compared to using the primary access on Frederick Road. Another evaluation was done to determine whether the new signalized intersection at Frederick Road along with the proposed connection to Pleasant Drive extended would introduce outside cut-through traffic to the King Farm neighborhood.

One of the key transportation improvements for this project is the addition of the traffic signal at the intersection of “Street A” and Frederick Road, which is the primary entrance to the development. Through the regular cycle of the planned traffic signal, the development’s traffic is guaranteed dedicated time to make turning movements on Frederick Road when the mainline traffic is stopped. Provision of the traffic signal at this location will prevent the generated traffic seeking alternative routes through King Farm to Frederick Road or Shady Grove Road.

As part of the transportation report, the applicant evaluated routes that could be taken to destinations through King Farm, versus using the primary entrance onto Frederick Road. Criteria used in the comparisons included distance, projected times, and how many traffic signals were along the routes. For the development-related traffic that is oriented to northbound I-270, there are two potential routes 1) going through the new signalized intersection of the development at Frederick Road, going through the signalized intersection of Shady Grove Road and Frederick Road, and using I-370 to gain access to I-270; or 2) using Pleasant Drive extended to Piccard Drive, then Gaither Road, then Shady Grove Road to gain access to I-270. The first route utilizing the primary entrance on Frederick Road is more direct and requires going through two signalized intersections, whereas the second route which is through King Farm requires going through three signalized intersections and takes a longer travel time. For access to southbound I-270, the King Farm route is even longer and requires traveling through two additional signalized intersections.

For site-development traffic oriented to the King Farm retail center, the use of Frederick Road versus using Pleasant Drive yields no difference in expected travel times, despite a slightly longer route.

To evaluate potential outside cut-through traffic to King Farm utilizing the new roadway network from this development, a review of historic traffic volumes was conducted. At the intersections of Frederick Road and Ridgemont Avenue, and Frederick Road and King Farm Boulevard, it was found that the majority of southbound Frederick Road traffic destined to King Farm is making a right turn on King Farm Boulevard (89% AM, 92% PM peak hours) instead of Ridgemont Avenue (11% AM, 8% PM). The same was true for exiting King Farm traffic heading north on Frederick Road. Therefore, it can be reasonably assumed that very few vehicles exiting
the King Farm community would be willing to cut through the site on a circuitous route using the proposed connection from Pleasant Drive extended in order to gain access from Frederick Road, instead of using the existing Ridgemont or King Farm signalized intersections.

Regarding the potential northern access from the development to Shady Grove Road, staff notes that prior Mayor and Council actions were not supportive of such a connection. Additionally, staff believes a northern connection could introduce cut-through traffic to the proposed development and King Farm, as well as potentially serving as a bypass for the congested intersection of Shady Grove Road and Frederick Road.

The transportation report has been made available on the City’s website and staff contacts were made available to the participants of the post-application area meeting.

**Boards and Commissions Review**

The Planning Commission held a briefing on the proposed project plan on June 23, 2021. The Planning Commission considered a recommendation on the project plan at their meeting on September 22, 2021. Five members of the public spoke and expressed concerns about items such as traffic on Frederick Road and through King Farm, the density of the project, and the amount of open space. The Commission discussed these items, as well as the potential waiver to the required three trees per lot. The Commission voted 6-0 to recommend approval of the project consistent with the findings and conditions noted by staff with two reservations: the density of the development and granting of the tree waiver.

**Next Steps**

Following Discussion and Instructions, Mayor and Council will review a proposed resolution documenting its decision. The meeting date involving the review of this resolution is tentatively scheduled for November 8, 2021.
August 26, 2021

EYA Development LLC
4800 Hampden Lane
Suite 300
Bethesda, MD 20814

Re: King Buick Preliminary Forest Conservation Plan, FTP2021-00021

Dear EYA Development LLC:

The Preliminary Forest Conservation Plan (PFCP) received on May 3, 2021 for “Potomac Woods” under FTP2021-00021 has been approved by the Planning and Development Services Department.

The PFCP approval is granted based on the following requirements:

- The Planning Commission approves Project Plan (PJT2021-00013).
- The applicant completes the required items listed under the “Forestry Permit” section in this letter.

Under Section 10.5-13( c )( 4) of the Forest and Tree Preservation Ordinance (FTPO), the approved PFCP “shall remain in effect, and shall serve as the basis for the Final Forest Conservation Plan(s) with respect to forest and tree retention for the duration of the validity period of the underlying approval, unless the City Forester determines that site conditions have changed to the point where the preliminary approval is no longer accurate."

**FOREST AND TREE PRESERVATION ORDINANCE (FTPO) REQUIREMENTS**

The proposed development to the City requires compliance with the City of Rockville's FTPO. The City Forester's office approved a Natural Resources Inventory/Forest Stand Delineation plan on February 22, 2021.

**FOREST CONSERVATION**

The forest conservation requirement for this project is based on the following:

- Tract area: 20.58 acres
- Site zoning: MXCD
- Existing forest: .00 acres
- Afforestation required: 3.09 acres
MINIMUM TREE COVER
The minimum tree cover requirement for this project, is 10%.

SIGNIFICANT TREES/SPECIMEN TREES
Significant trees are defined as trees located outside of a forest and being 12” DBH (diameter at breast height) and trees located within a forest and being 24” DBH and greater. Specimen trees are defined as trees with a diameter equal to or greater than 30” DBH or trees that are 75% of the diameter of the state champion tree of that species. Removal of specimen trees requires written justification approved by the City Forester in accordance with Section 10.5-2(c) of the FTPO. There are 25 significant trees on the site, of which, 2 are considered specimen trees.

Significant Trees
The project proposes to remove 15 significant trees from the site, 2 of which are specimen trees. The applicant is preserving 10 significant trees on the site. The replacement requirement is 29 trees to be planted on site. The applicant is removing 1 significant tree off the site and replacing it with 1 tree planting off the site.

STREET TREES
The project has frontage on Frederick Road, which is a State Highway Authority right of way (outside City limits). The project is creating public right of way within the development which is required to meet zoning ordinance 25.21.21 regarding planting of street trees. Street trees shall be shown on both the Final FCP and the street tree and lighting plan and will be in addition to new street tree planting proposed in rights-of-way. The project is proposing to remove 0 existing street trees.

The applicant is requesting a waiver to zoning ordinance 25.21.21 regarding the quantity and spacing of street trees. Staff has reviewed the waiver request and recommend it for approval by the Planning Commission at Site Plan.

LOT TREE REQUIREMENT
The applicant is requesting a waiver to Zoning Ordinance 25.21.21 for the 3 trees per lot requirement. Staff has reviewed the waiver request and recommend it for approval by the Planning Commission at Site Plan.

CONDITIONS OF APPROVAL FOR FINAL FOREST CONSERVATION PLANS
A Final Forest Conservation Plan must be reviewed and approved by the City with signature site plan submission and prior to release of any Building, Forestry and DPW permit associated with site plan submission. The Final FCP shall be generally consistent with the PFCP and approval letter and provide tree plantings consistent with outlined requirements.

Final FCP and site plan must comply with FTPO and Zoning Ordinance. In addition to compliance with applicable codes, the following specific directives must be followed:

1. Ensure tree plantings meet minimum spacing requirements, which include:
   a. Shade trees spaced 20 feet apart, large, or small evergreens and ornamental trees spaced 15 feet apart. Shade trees 15 feet from ornamental trees. Spacing between evergreens and shade trees is 15 or 20 feet, as determined by the City since distance is dependent on growth habit of the species.
   b. 10 feet from wet and dry utilities, except when these are under streets or as otherwise authorized by designated staff.
c. 15 feet from streetlights and driveways (DPW provide requirements for sight distances and stop signs) or as authorized by designated staff.
d. 10 feet from inlets.
e. Shade trees and large evergreens shall be spaced a minimum of 7 feet, and ornamental trees and small evergreens to be spaced a minimum of 5 feet from micro bioretention underdrain pipes (6" diameter and smaller)
f. Street trees can be planted over stormwater conveyance pipes when pipes have a minimum of 4 feet of cover and are immediately behind the curb.
g. Trees planted to meet FTPO or other forestry requirements on the site may not be located within existing or proposed easements (excluding forest conservation easements).

2. The Applicant must submit a Final Forest Conservation Plan (FFCP) which meets the minimum requirements approved with the PFPC plan for the proposed site plan.
3. Use current city tree tables and FTPO notes and details.
4. Ensure the plan does not contain overwrites and is prepared per the general structure requirements for Final FCP’s.
5. Soil augmentation per the city’s Forest and Tree Preservation Ordinance Notes will be required prior to installation of new trees within existing green space or where pavement was previously located.
6. Graphically delineate the areas where soil removal and replacement are required prior to installation of all new trees.
7. At the time of site plan submission, the Applicant must submit a landscape plan for that subject property consistent with all City ordinances.
8. The applicant must address all comments provided on the most recent PFCP submission plans by the forestry reviewer.

FORESTRY PERMIT
The applicant is required to obtain a Forestry permit prior to forestry sign off on any sediment control permit and building permit associated with the site plan. The following items are required before issuance of the Forestry permit:

- Submission of the FTP permit application and fee.
- Approval of a Final Forest Conservation Plan which is consistent with the Pre FCP and addresses the items listed in this letter under “Conditions of Approval for Final Forest Conservation Plan.”
- Applicant must execute a Five-year Warranty and Maintenance Agreement in a form suitable to the City.
- Applicant must post a bond or letter of credit approved by the City.
- Applicant must pay applicable amount of approved fee-in-lieu.

The Pre FCP approval does not infer or supersede other required project approvals and is contingent upon meeting all other city requirements including, but not limited to stormwater management, erosion and sediment control, water and sewer, traffic and transportation, and zoning and building codes.

Any significant modification to the approved Pre FCP must be consistent with Site Plan approval.
Sincerely,

Shaun Patrick Ryan

Shaun Ryan
Principal Planner – Landscape Architect
City of Rockville, Maryland

Cc:

Jim Wasilak, Zoning and Development Manager
John Foreman, Development Services Manager
EYA Development, LLC
January 11, 2022

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

Re: STP2021-00433 – Waiver of Subdivision Regulations: Residential Lot Tree Planting

Dear Mr. Wasilak:

EYA Development ("Applicant") is submitting this letter to request waivers of certain requirements of Article 21 of Chapter 25 of the City of Rockville Code (the "Zoning Ordinance") pursuant to Section 25.21.07 of the Zoning Ordinance. Specifically, Applicant seeks to modify the requirements to: 1) plant at least one (1) street tree per 40 feet of lot frontage within the public right-of-way under Section 25.21.21.a of the Zoning Ordinance ("Lot Frontage Trees"); and 2) plant a minimum of one tree in the front yard and two trees in the rear yard of every residential lot under Section 25.21.21.b of the Zoning Ordinance ("Residential Lot Trees").

Applicant proposes to reduce the number of Lot Frontage Trees required amount along the Property’s lot frontage (178, based on 7,114 feet of lot frontage) by up to 12% (or up to 21 Lot Frontage Trees, for a total of 157). Applicant also seeks to plant 0.63 Residential Lot Trees per residential lot, with 16 trees planted on residential lots that will count towards satisfying Chapter 10.5 of the City Code ("FTPO") requirements but not satisfy Residential Lot Tree requirements. Applicant requests to plant 3.3 Residential Lot Trees per residential lot based on an aggregate of the on-site trees planted anywhere on the Property. Applicant also desires a potential reduction to accommodate any City staff request to remove up to an additional 10 trees during the plan certification/final engineering processes (collectively, the "Waiver").
Mr. R. James Wasilak  
City of Rockville  
January 11, 2022  
Page 2

This request is associated with PJT2021-00013 (the “Project Plan”) and STP2021-00433 (the “Site Plan”), both of which propose to redevelop 16160/16200 Frederick Road and Parcel P170 (collectively, the “Property”) with 370 total dwelling units (252 townhouses and 118 two-over-two multi-family units), with 15% of dwelling units provided as Moderately Priced Dwelling Units (“MPDUs”), as well as public use spaces, open areas, and other amenities (collectively, the “Project”). Granting Applicant’s request is appropriate as undue hardship will result from strict compliance, and the Waiver allows substantial justice to be done, protects the public health, safety, aesthetics, and general welfare, and supports the intent and purpose of the City’s Comprehensive Master Plan and the Zoning Ordinance. Thus, Applicant requests the Mayor and Council express its support for the waiver in its resolution approving the Project Plan, as well as requests the Planning Commission grant the waiver in approving the subsequent Site Plan.

Background

The Project Plan

On May 3, 2021, Applicant filed the Project Plan, which initially proposed redeveloping the Property with a maximum of 371 dwelling units (up to 1.5 FAR residential) comprising 253 townhouses of varying widths and 118 two-over-two multi-family units.

Applicant held a pre-application meeting on November 24, 2020 and a post-application area meeting on June 3, 2021. A DRC meeting with City staff was held on June 17, 2021. A number of changes were made to the Project Plan in response to City staff comments, including, among other things, reducing the number of proposed units (for a maximum of 370 dwelling units comprising up to 252 townhouses of varying widths and 118 two-over-two multi-family units), reconfiguring certain open spaces, streets, and alleys to centralize the main community open space, increasing the amount of right-of-way dedication, increasing/improving buffers to the King Farm Farmstead and Dog Park, widening of the Project’s entrance on Frederick Road, and improving pedestrian connectivity. Applicant also coordinate closely with City staff to support the adaptive reuse of the adjacent King Farm Farmstead. The parties have agreed Applicant will construct a 47 space parking lot access from Frederick Road in an agreed-upon location, which will take place at the same time the Project is constructed on the Property. Applicant will be responsible for preparing plans and
application materials, while City staff will lead the entitlement process. If the City does not obtain the necessary approvals within six months of Applicant commencing construction of the Project, Applicant will provide a fee-in-lieu.

The Applicant briefed the Planning Commission on the Project Plan on June 23, 2021, and briefed the Mayor and Council on July 19, 2021. The Mayor and Council expressed its support for the agreement regarding the construction of the new parking lot on the King Farm Farmstead. The Planning Commission considered the Project Plan on September 22, 2021 and recommended approval, with comments on the Project’s proposed density and Applicant’s requested Waiver.

On October 18, 2021, the Mayor and Council held a public hearing on the Project Plan, discussed the same, and directed staff to prepare a resolution for approval. The Mayor and Council approved the Project Plan on November 8, 2021 (the “Project Plan Resolution”). The Project Plan Resolution included the following acknowledgment of and support for Waiver from the Mayor and Council:

The Mayor and Council acknowledge that implementation of the approved Project Plan’s urban multi-family and townhouse design requires the grant of waivers by the Planning Commission of Sections 25.21.21.a & b of the City Code pursuant to Section 25.21.07 of the City Code to allow: 1) a reduction of the number of street trees within the public right-of-way by up to 12%; and 2) a reduction of the required trees per residential lot from 3 trees to up to 2.6 trees per lot, based on an aggregate number of the on-site trees located anywhere on the subject property. Overall, the Project will lead to an increase in trees than are currently there and will result in approximately 908 trees across the site, subject to the Planning Commission approval and the site plan process. The Mayor and Council supports the requested waivers in this case.

The Site Plan

Applicant filed the Site Plan on August 13, 2021 to implement the approved Project Plan by constructing the Project on the Property. A post-application area meeting on the Site Plan was held on August 31, 2021 and City staff led a DRC
meeting on December 9, 2021. The Planning Commission is anticipated to consider the Site Plan application at its January 26, 2022 meeting.

The Zoning Ordinance’s Tree Planting Provisions

Under strict application of Section 25.21.21.a of the Zoning Ordinance, an applicant is required to plant at least one Lot Frontage Tree per 40 feet of lot frontage within the public right-of-way.

Strict compliance with Section 25.21.21.b of the Zoning Ordinance requires an applicant to plant three Residential Lot Trees per residential lot, with one tree to be located in the front of the lot and two trees in the rear of the lot. The three Residential Lot Trees per lot standard, specifically the requirement for two trees in the rear of the lot, anticipates single-family detached building types. This standard was conceived for older suburban-style development, is inconsistent with modern infill projects, disproportionally impacts townhouse and other “missing middle” building types, and would render compact and higher-density development patterns recommended in the City’s recent update to its Comprehensive Plan (Rockville 2040, the “Plan”) for prominent corridors near transportation facilities (including Frederick Road close to the Shady Grove Metrorail station) impractical. The urban multi-family and townhouse design proposed in the Project Plan and Site Plan does not anticipate or accommodate this suburban form of planting, as there can be unavoidable space constraints arising from, among other things, preventing interference with the dwelling unit, avoiding impacts on adjacent street trees, and maintaining appropriate separation between Residential Lot Trees and required infrastructure.
Requested Waiver

Lot Frontage Trees

Applicant's Waiver regarding Lot Frontage Trees is summarized in the following chart:

<table>
<thead>
<tr>
<th>Lot Frontage Trees</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>178 trees (based on 7,114 linear feet of lot frontage)</td>
<td>At least 157 trees</td>
</tr>
</tbody>
</table>

**Requested Waiver:** Up to 12% Reduction.

Residential Lot Trees

Applicant's Waiver with respect to Residential Lot Trees as calculated in accordance with current City practice is as follows:

<table>
<thead>
<tr>
<th>Residential Lot Trees</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>774 trees, with one tree planted in the front yard and two trees planted in the rear yard of every residential lot (based on 258 residential lots)</td>
<td>853 trees to be planted on the Properties:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-163 trees will be planted on residential lots as Residential Lot Trees</td>
</tr>
<tr>
<td></td>
<td></td>
<td>-16 trees will be planted on residential lots in satisfaction of FTPO requirements, but not count as Residential Lot Trees</td>
</tr>
</tbody>
</table>
Mr. R. James Wasilak  
City of Rockville  
January 11, 2022  
Page 6

Requested Waiver: Provision of 0.63 trees per residential lot to be located on residential lots as Residential Lot Trees, with 16 trees planted on residential lots that will count towards satisfying FTPO requirements but not satisfy Residential Lot Tree requirements, and with 3.3 trees per residential lot located anywhere on the Property. The Waiver also requests the ability to accommodate any City staff request to remove up to an additional 10 trees during the plan certification/final engineering processes.

For context, the Project proposes to plant 853 new trees in the aggregate on-site throughout the Property, which is summarized in the following chart:

<table>
<thead>
<tr>
<th>Afforestation</th>
<th>558 trees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Significant Tree Replacement</td>
<td>30 trees</td>
</tr>
<tr>
<td>Street Trees</td>
<td>43 trees</td>
</tr>
<tr>
<td>Alley Trees (planted within dry utility easement areas)</td>
<td>59 trees</td>
</tr>
<tr>
<td>Residential Lot Trees (planted on lot)</td>
<td>163 trees</td>
</tr>
<tr>
<td><strong>Total Number of Trees:</strong></td>
<td><strong>853 trees</strong></td>
</tr>
</tbody>
</table>

As shown in this chart, 102 of the 853 trees (namely, the street trees and alley trees) are not meeting afforestation and significant replacement tree requirements from the FTPO. Additionally, the Waiver proposes that 0.63 Residential Lot Trees are proposed to be planted per residential lot, on residential lots (163 total trees planted on residential lots + 258 residential lots), with 16 trees planted on residential lots that will count towards satisfying FTPO requirements but not satisfy Residential Lot Tree requirements, and with 3.3 Residential Lot Trees planted per lot (853 total trees to be planted + 258 residential lots) that may be located off lot anywhere on the
Mr. R. James Wasilak  
City of Rockville  
January 11, 2022  
Page 7

Property. The Waiver also requests the ability to accommodate any City staff request to remove up to an additional 10 trees during the plan certification/final engineering processes.

The realization of the Project Plan and Site Plan with the Waiver will result in an increase of approximately 827 new trees when compared to the Property's existing conditions, a significant increase in tree canopy, as well as reduction in impervious surface area presently without any water quality treatment and numerous other public benefits.

Justification for Waiver

Granting Applicant's Waiver for 1) the proposed reduction of Lot Frontage Trees by up to 12%; 2) the proposed reduction in Residential Lot Trees planted on residential lots from 3 to 0.63, with 16 trees planted on residential lots that will count towards satisfying FTPO requirements but not satisfy Residential Lot Tree requirements; 3) the provision of 3.3 Residential Lot Trees per lot that may be located anywhere on the Property; and 4) the ability to accommodate any City staff request to remove up to an additional 10 trees during the plan certification/final engineering processes is appropriate under Section 25.21.07 of the Zoning Ordinance.

With regard to findings, Section 25.21.07 of the Zoning Ordinance states:

If the Planning Commission finds that undue hardship will result from strict compliance with any requirement of this chapter, it may grant a waiver or modification from such requirement so that substantial justice may be done if the public health, safety, aesthetics, or general welfare will not be impaired and the waiver will not be contrary to the intent and purpose of the plan or this chapter.

Strict Compliance with the Zoning Ordinance Will Result in Undue Hardship and the Waiver is Necessary so that Substantial Justice May Be Done

Applicant will suffer undue hardship arising from strict compliance with Section 25.21.21.a and b of the Zoning Ordinance. The Project Plan and Site Plan propose compact, walkable, and transit-oriented development with entirely
Mr. R. James Wasilak
City of Rockville
January 11, 2022
Page 8

residential uses (including 15% MPDUs) in order to take full advantage of the Project’s proximity to existing transportation infrastructure, public facilities, retail services, employment opportunities, and commercial uses. The Project also includes a new grid of public streets lined with sidewalks, street trees, and lighting fixtures (totaling in excess of 5.6 acres of private land to be dedicated to the City), approximately 2.82 acres of new public use space (well in excess of Zoning Ordinance requirements), numerous state-of-the-art environmental site design measures (with associated easements), a new 10 foot shared use path along the Property’s Frederick Road frontage, a new pedestrian connection to Mattie JT Stepanek Park, and a new vehicular connection to Pleasant Drive. The Project also supports the adaptive reuse of the adjacent King Farm Farmstead through the design and construction of a new 47 space parking lot.

Achieving this desired form of urban redevelopment with the significant public benefits associated with the Project necessitates the requested flexibility in the Lot Frontage Tree requirements of Section 25.21.21.a of the Zoning Ordinance. Strict compliance with this provision will result in hardship due to the number of roadside planter box style micro-bioretention stormwater facilities for achieving environmental site design to the maximum extent practicable as determined by the City, accommodation of WSSC easements, installation of utilities (and associated easements), sight line restrictions, and application of the City requirement that trees must be located at least 15 feet from light poles. Applicant’s request to waive this requirement by a modest reduction of up to 12% reduction reflects Applicant’s considerable efforts to maximize compliance while appropriately balancing other valuable City interests. Otherwise, Applicant will suffer a hardship through the preclusion of an economically viable project and the inability of receiving a reasonable financial return on its considerable investment for providing extensive public benefits.

Similarly, strict compliance with the Residential Lot Tree requirements of Section 25.21.21.b of the Zoning Ordinance will also result in undue hardship. Providing greater intensification of infill transit-oriented residential development (including 15% MPDUs) along the Frederick Road commercial corridor near Metrorail, employment opportunities, retail services, and public facilities leaves insufficient space for planting a minimum of one tree in the front year and two trees in the rear yard of each townhouse and two-over-two multi-family lot. As noted above, the Residential Lot Tree requirement from Section 25.21.21.b of the Zoning
Mr. R. James Wasilak  
City of Rockville  
January 11, 2022  
Page 9

Ordinance reflects a suburban-style development pattern that is incompatible with urban-oriented, infill, and compact redevelopment, disproportionately impacts townhouse lots, and fails to account for space limitations arising from the need to avoid impacts to residential units and street trees, as well as maintain appropriate separation from required infrastructure. The Project is not seeking to avoid the planting of trees. Instead, the Project includes the planting of 853 new trees in the aggregate (through a range of street trees, shade trees, evergreen trees, ornamental trees, and alley trees) appropriately distributed throughout the Property off individual residential lots. These trees will be planted within new afforestation areas, as well as along new streets, in new public open spaces and open areas, and within buffers from adjacent existing development. Applicant’s Waiver will appropriately achieve 0.63 Residential Lot Trees per residential lot to be located on-lot, with the provision of 16 trees planted on residential lots that will count towards satisfying FTPO requirements but not satisfy Residential Lot Tree requirements and 3.3 Residential Lot Trees per residential lot, planted in the aggregate throughout the Property (with the potential removal of up to 10 additional trees per City staff direction during the plan certification/final engineering processes).

Undue hardship is also created by other site constraints that impact the ability to plant Residential Lot Trees on lot. For example, 1.33 acres of the Property is currently encumbered by an existing WSSC easement that accommodates a regional transmission main that serves surrounding communities and is an important piece of public infrastructure. This easement area cannot be planted to meet afforestation requirements, which results in the need to plant 22 shade trees or 44 ornamental/small evergreen trees elsewhere on the Property. Furthermore, and in response to comments from City staff, Applicant has widened the rights-of-way for the Project’s new street network. This also reduces the availability for planting one tree in the front yard and two trees in the rear yard of each residential lot. If the Waiver is denied, Applicant would unfairly be denied the ability to implement the Project.

The Public Health, Safety, Aesthetics, or General Welfare Will Not Be Impaired by Granting the Waiver

Furthermore, the Planning Commission’s approval of the Waiver will support the public health, safety, aesthetics, and general welfare. Approving the Waiver will allow the implementation of the Project with an appropriate number of on-lot and off-
Mr. R. James Wasilak  
City of Rockville  
January 11, 2022  
Page 10

lot trees, together with walkable, transit-oriented, and infill development that is conveniently located near existing and future infrastructure, incorporates open areas and public use spaces in excess of zoning requirements, and achieves desirable linkages with surrounding communities. This, in turn, will enable the provision of much needed housing in the City, including a significant number of moderately priced dwelling units (“MPDUs”), convenient to transportation facilities, job opportunities, retail uses (including the nearby King Farm Village Center), commercial services, and public recreational facilities (such as Mattie JT Stepanek Park). Residents of the Project’s new dwelling will be able to access and enjoy new open areas enhanced with trees, landscaping, and other desirable amenities. This includes the WSSC easement area along the Property’s northern boundary with a proposed natural trail in a meadow setting with plantings and flowers, generously landscaped pocket parks with children’s play equipment, and a centralized community open space with areas for gathering and recreation.

The Waiver will also support the incorporation of other enhancements to public health, safety, aesthetics, and general welfare included in the Project Plan and Site Plan, including a new grid network of internal public streets with comfortable sidewalks and attractive street trees, the construction of a new 10-foot-wide shared use path along the Property’s Frederick Road frontage for pedestrians and cyclists, a new connection between the Property and the Mattie JT Stepanek Park, a new vehicular connection to Pleasant Drive, improved state-of-the-art stormwater management, and enhanced landscaped buffers between the Project and adjacent existing development. The Project, as proposed, also allows Applicant to support the long-anticipated adaptive reuse of the King Farm Farmstead by constructing an improved access point and new 47 space parking lot. Applicant observes that the existing property currently contains approximately 25 trees 12” DBH or larger. The Project is proposed to provide 853 new trees planted to City standards. As noted above, implementation of the Project with Applicant’s requested Waiver will result in an increase of approximately 827 trees when compared to the Property’s existing conditions, a significant increase in tree canopy, and a reduction in untreated impervious surfaces when compared to the Project’s existing conditions.
Granting the Waiver Will Not Be Contrary to the Intent and Purpose of the City’s Comprehensive Plan or the City’s Zoning Ordinance

Lastly, the Waiver request advances the intent and purpose of the City’s recent update to its Plan and the Zoning Ordinance by locating an appropriate ratio of trees on and off residential lots. Specifically, implementing the Project on the Property, with the approval of the Waivers, is wholly consistent with the Plan. With respect to land use and urban design, this includes providing higher density residential land uses near Metrorail along a major arterial corridor, advancing walkable and bikeable development, improving connections to surrounding development, and offering flexibility to achieve creative site planning. Plan, pgs. 29, 35-39, 49. Regarding transportation, the Project supports “complete streets” and Vision Zero goals, enhances pedestrian facilities, achieves an important bicycle connection along the Property’s Frederick Road frontage, and takes advantage of the future BRT route along Frederick Road. Plan, pgs. 58-65, 70-71. With respect to the environment, the Project facilitates reduced greenhouse gas emissions by placing new housing close to public transportation, employment, services, and facilities, thereby reducing reliance on the automobile and vehicle miles traveled. Plan, pg. 128-29. On housing, the Project fosters sufficient market-rate housing to provide more affordable housing, create new “missing middle” housing, and allowing new housing in more urban contexts. Plan, pgs. 197-98, 203-04. The Plan also specifically supports the redevelopment of the Property and notes that new residential development would support the King Farm Village Center. Plan, pg. 396.

Approving the Waiver is also consistent with many of the purposes of the Zoning Ordinance, including providing appropriately scaled buildings that are compatible with their surroundings, facilitating diversity in housing, building design, and land use, ensuring orderly development consistent with the Plan, allowing for the most appropriate use of land throughout the City, fostering flexible building and site design, and offering attractive, high quality development and design that enhances the community’s quality of life. See § 21.01.02 of the Zoning Ordinance.

Conclusion

Granting the Waiver will prevent undue hardship resulting from strict compliance with the requirements to plant at least one street tree per 40 feet of lot frontage within the public right-of-way and at least three trees per residential lot,
allow for substantial justice to be done without impairment to public health, safety, aesthetics, or general welfare, and not be contrary to either the intent of the City’s Plan or the Zoning Ordinance. Accordingly, the Applicant respectfully requests that the Planning Commission grant the Waiver as part of Site Plan approval as follows:

- permit the reduction the number of Lot Frontage Trees required amount along the Property’s lot frontage (178, based on 7,114 feet of lot frontage) by up to 12% (or up to 21 Lot Frontage Trees, for a total of 157); and

- permit the planting of 0.63 Residential Lot Trees per residential lot provided on lot, with 16 trees planted on residential lots that will count towards satisfying FTPO requirements, but not satisfy Residential Lot Tree requirements; and

- permit the planting of 3.3 Residential Lot Trees per residential lot based on an aggregate of the on-site trees planted anywhere on the Property; and

- permit the ability to accommodate any City staff request to remove up to an additional 10 trees during the plan certification/final engineering processes.

Very truly yours,

MILES & STOCKBRIDGE P.C.

Barbara A. Sears

Phillip A. Hummel

cc: Bob Youngentob, EYA
Wyndham Robertson, EYA
Jason Sereno, EYA
August 26, 2021

EYA Development LLC
4800 Hampden Lane
Suite 300
Bethesda, MD 20814

Re: King Buick Preliminary Forest Conservation Plan, FTP2021-00021

Dear EYA Development LLC:

The Preliminary Forest Conservation Plan (PFCP) received on May 3, 2021 for “Potomac Woods” under FTP2021-00021 has been approved by the Planning and Development Services Department.

The PFCP approval is granted based on the following requirements:

- The Planning Commission approves Project Plan (PJT2021-00013).
- The applicant completes the required items listed under the “Forestry Permit” section in this letter.

Under Section 10.5-13(c)(4) of the Forest and Tree Preservation Ordinance (FTPO), the approved PFCP “shall remain in effect, and shall serve as the basis for the Final Forest Conservation Plan(s) with respect to forest and tree retention for the duration of the validity period of the underlying approval, unless the City Forester determines that site conditions have changed to the point where the preliminary approval is no longer accurate.”

FOREST AND TREE PRESERVATION ORDINANCE (FTPO) REQUIREMENTS
The proposed development to the City requires compliance with the City of Rockville's FTPO. The City Forester's office approved a Natural Resources Inventory/Forest Stand Delineation plan on February 22, 2021.

FOREST CONSERVATION
The forest conservation requirement for this project is based on the following:

- Tract area: 20.58 acres
- Site zoning: MXCD
- Existing forest: .00 acres
- Afforestation required: 3.09 acres
MINIMUM TREE COVER
The minimum tree cover requirement for this project, is 10%.

SIGNIFICANT TREES/SPECIMEN TREES
Significant trees are defined as trees located outside of a forest and being 12" DBH (diameter at breast height) and trees located within a forest and being 24" DBH and greater. Specimen trees are defined as trees with a diameter equal to or greater than 30" DBH or trees that are 75% of the diameter of the state champion tree of that species. Removal of specimen trees requires written justification approved by the City Forester in accordance with Section 10.5-2(c) of the FTPO. There are 25 significant trees on the site, of which, 2 are considered specimen trees.

Significant Trees
The project proposes to remove 15 significant trees from the site, 2 of which are specimen trees. The applicant is preserving 10 significant trees on the site. The replacement requirement is 29 trees to be planted on site. The applicant is removing 1 significant tree off the site and replacing it with 1 tree planting off the site.

STREET TREES
The project has frontage on Frederick Road, which is a State Highway Authority right of way (outside City limits). The project is creating public right of way within the development which is required to meet zoning ordinance 25.21.21 regarding planting of street trees. Street trees shall be shown on both the Final FCP and the street tree and lighting plan and will be in addition to new street tree planting proposed in rights-of-way. The project is proposing to remove 0 existing street trees.

The applicant is requesting a waiver to zoning ordinance 25.21.21 regarding the quantity and spacing of street trees. Staff has reviewed the waiver request and recommend it for approval by the Planning Commission at Site Plan.

LOT TREE REQUIREMENT
The applicant is requesting a waiver to Zoning Ordinance 25.21.21 for the 3 trees per lot requirement. Staff has reviewed the waiver request and recommend it for approval by the Planning Commission at Site Plan.

CONDITIONS OF APPROVAL FOR FINAL FOREST CONSERVATION PLANS
A Final Forest Conservation Plan must be reviewed and approved by the City with signature site plan submission and prior to release of any Building, Forestry and DPW permit associated with site plan submission. The Final FCP shall be generally consistent with the PFCP and approval letter and provide tree plantings consistent with outlined requirements.

Final FCP and site plan must comply with FTPO and Zoning Ordinance. In addition to compliance with applicable codes, the following specific directives must be followed:

1. Ensure tree plantings meet minimum spacing requirements, which include:
   a. Shade trees spaced 20 feet apart, large, or small evergreens and ornamental trees spaced 15 feet apart. Shade trees 15 feet from ornamental trees. Spacing between evergreens and shade trees is 15 or 20 feet, as determined by the City since distance is dependent on growth habit of the species.
   b. 10 feet from wet and dry utilities, except when these are under streets or as otherwise authorized by designated staff.
c. 15 feet from streetlights and driveways (DPW provide requirements for sight distances and stop signs) or as authorized by designated staff.
d. 10 feet from inlets.
e. Shade trees and large evergreens shall be spaced a minimum of 7 feet, and ornamental trees and small evergreens to be spaced a minimum of 5 feet from micro bioretention underdrain pipes (6" diameter and smaller)
f. Street trees can be planted over stormwater conveyance pipes when pipes have a minimum of 4 feet of cover and are immediately behind the curb.
g. Trees planted to meet FTPO or other forestry requirements on the site may not be located within existing or proposed easements (excluding forest conservation easements).

2. The Applicant must submit a Final Forest Conservation Plan (FFCP) which meets the minimum requirements approved with the PFCP plan for the proposed site plan.

3. Use current city tree tables and FTPO notes and details.

4. Ensure the plan does not contain overwrites and is prepared per the general structure requirements for Final FCP’s.

5. Soil augmentation per the city’s Forest and Tree Preservation Ordinance Notes will be required prior to installation of new trees within existing green space or where pavement was previously located.

6. Graphically delineate the areas where soil removal and replacement are required prior to installation of all new trees.

7. At the time of site plan submission, the Applicant must submit a landscape plan for that subject property consistent with all City ordinances.

8. The applicant must address all comments provided on the most recent PFCP submission plans by the forestry reviewer.

FORESTRY PERMIT
The applicant is required to obtain a Forestry permit prior to forestry sign off on any sediment control permit and building permit associated with the site plan. The following items are required before issuance of the Forestry permit:

- Submission of the FTP permit application and fee.
- Approval of a Final Forest Conservation Plan which is consistent with the Pre FCP and addresses the items listed in this letter under “Conditions of Approval for Final Forest Conservation Plan.”
- Applicant must execute a Five-year Warranty and Maintenance Agreement in a form suitable to the City.
- Applicant must post a bond or letter of credit approved by the City.
- Applicant must pay applicable amount of approved fee-in-lieu.

The Pre FCP approval does not infer or supersede other required project approvals and is contingent upon meeting all other city requirements including, but not limited to stormwater management, erosion and sediment control, water and sewer, traffic and transportation, and zoning and building codes.

Any significant modification to the approved Pre FCP must be consistent with Site Plan approval.
Sincerely,

Shaun Ryan  
Principal Planner – Landscape Architect  
City of Rockville, Maryland

Cc:  
Jim Wasilak, Zoning and Development Manager  
John Foreman, Development Services Manager  
EYA Development, LLC
January 7, 2021

EYA Development LLC
4800 Hampden Lane
Suite 300
Bethesda, MD 20814

Re: King Buick Preliminary Forest Conservation Plan, FTP2021-00021

Dear EYA Development LLC:

The amended Preliminary Forest Conservation Plan (PFCP) received on January 6, 2021 for “King Buick” under FTP2021-00021 has been approved by the Planning and Development Services Department.

The PFCP approval is granted based on the following requirements:

- The Planning Commission approves Site Plan (STP2022-00433).
- The applicant completes the required items listed under the “Forestry Permit” section in this letter.

Under Section 10.5-13( c ) (4) of the Forest and Tree Preservation Ordinance (FTPO), the approved PFCP “shall remain in effect, and shall serve as the basis for the Final Forest Conservation Plan(s) with respect to forest and tree retention for the duration of the validity period of the underlying approval, unless the City Forester determines that site conditions have changed to the point where the preliminary approval is no longer accurate."

**FOREST AND TREE PRESERVATION ORDINANCE (FTPO) REQUIREMENTS**

The proposed development to the City requires compliance with the City of Rockville's FTPO. The City Forester's office approved a Natural Resources Inventory/Forest Stand Delineation plan on February 22, 2021.

**FOREST CONSERVATION**

The forest conservation requirement for this project is based on the following:

- Tract area: 20.58 acres
- Site zoning: MXCD
- Existing forest: .00 acres
- Afforestation required: 3.09 acres
MINIMUM TREE COVER
The minimum tree cover requirement for this project, is 10%.

SIGNIFICANT TREES/SPECIMEN TREES
Significant trees are defined as trees located outside of a forest and being 12" DBH (diameter at breast height) and trees located within a forest and being 24" DBH and greater. Specimen trees are defined as trees with a diameter equal to or greater than 30" DBH or trees that are 75% of the diameter of the state champion tree of that species. Removal of specimen trees requires written justification approved by the City Forester in accordance with Section 10.5-2(c) of the FTPO. There are 25 significant trees on the site, of which, 2 are considered specimen trees.

Significant Trees
The project proposes to remove 16 significant trees from the site, 2 of which are specimen trees. The applicant is preserving 10 significant trees on the site. The replacement requirement is 30 trees to be planted on site.

STREET TREES
The project has frontage on Frederick Road, which is a State Highway Authority right of way (outside City limits). The project is creating public right of way within the development which is required to meet zoning ordinance 25.21.21 regarding planting of street trees. Street trees shall be shown on both the Final FCP and the street tree and lighting plan and will be in addition to new street tree planting proposed in rights-of-way. The project is proposing to remove 5 existing street trees off the site and is proposing to replace them at a 1:1 ratio with approval from the City Forester.

The applicant is requesting a waiver to zoning ordinance 25.21.21 regarding the quantity and spacing of street trees. Staff has reviewed the waiver request and recommend it for approval by the Planning Commission at Site Plan.

LOT TREE REQUIREMENT
The applicant is requesting a waiver to Zoning Ordinance 25.21.21 for the 3 trees per lot requirement. Staff has reviewed the waiver request and recommend it for approval by the Planning Commission at Site Plan.

CONDITIONS OF APPROVAL FOR FINAL FOREST CONSERVATION PLANS
A Final Forest Conservation Plan must be reviewed and approved by the City with signature site plan submission and prior to release of any Building, Forestry and DPW permit associated with site plan submission. The Final FCP shall be generally consistent with the PFCP and approval letter and provide tree plantings consistent with outlined requirements.

Final FCP and site plan must comply with FTPO and Zoning Ordinance. In addition to compliance with applicable codes, the following specific directives must be followed:

1. Ensure tree plantings meet minimum spacing requirements, which include:
   a. Shade trees spaced 20 feet apart, large, or small evergreens and ornamental trees spaced 15 feet apart. Shade trees 15 feet from ornamental trees. Spacing between evergreens and shade trees is 15 or 20 feet, as determined by the City since distance is dependent on growth habit of the species.
   b. 10 feet from wet and dry utilities, except when these are under streets or as otherwise authorized by designated staff.
c. 15 feet from streetlights and driveways (DPW provide requirements for sight distances and stop signs) or as authorized by designated staff.

d. 10 feet from inlets.

e. Shade trees and large evergreens shall be spaced a minimum of 7 feet, and ornamental trees and small evergreens to be spaced a minimum of 5 feet from micro bioretention underdrain pipes (6" diameter and smaller)

f. Street trees can be planted over stormwater conveyance pipes when pipes have a minimum of 4 feet of cover and are immediately behind the curb.

g. Trees planted to meet FTPO or other forestry requirements on the site may not be located within existing or proposed easements (excluding forest conservation easements).

2. The Applicant must submit a Final Forest Conservation Plan (FFCP) which meets the minimum requirements approved with the PFCP plan for the proposed site plan.

3. Use current city tree tables and FTPO notes and details.

4. Ensure the plan does not contain overwrites and is prepared per the general structure requirements for Final FCP’s.

5. Soil augmentation per the city’s Forest and Tree Preservation Ordinance Notes will be required prior to installation of new trees within existing green space or where pavement was previously located.

6. Graphically delineate the areas where soil removal and replacement are required prior to installation of all new trees.

7. At the time of site plan submission, the Applicant must submit a landscape plan for that subject property consistent with all City ordinances.

8. The applicant must address all comments provided on the most recent PFCP submission plans by the forestry reviewer.

FORESTRY PERMIT

The applicant is required to obtain a Forestry permit prior to forestry sign off on any sediment control permit and building permit associated with the site plan. The following items are required before issuance of the Forestry permit:

- Submission of the FTP permit application and fee.
- Approval of a Final Forest Conservation Plan which is consistent with the Pre FCP and addresses the items listed in this letter under “Conditions of Approval for Final Forest Conservation Plan.”
- Applicant must execute a Five-year Warranty and Maintenance Agreement in a form suitable to the City.
- Applicant must post a bond or letter of credit approved by the City.
- Applicant must record a Forest Conservation Easement in a form approve by the City.

The Pre FCP approval does not infer or supersede other required project approvals and is contingent upon meeting all other city requirements including, but not limited to stormwater management, erosion and sediment control, water and sewer, traffic and transportation, and zoning and building codes.

Any significant modification to the approved Pre FCP must be consistent with Site Plan approval.
Sincerely,

Shaun Ryan  
Principal Planner – Landscape Architect  
City of Rockville, Maryland

Cc:  
Jim Wasilak, Zoning and Development Manager  
John Foreman, Development Services Manager  
Dan Long, Development Review Supervisor  
EYA Development, LLC
January 12, 2022

Mr. Wyndham Roberson
EYA Development, L.L.C.
4800 Hampden Lane, Suite 300
Bethesda, Maryland 20817

SUBJECT: 16200 Frederick Road – King Buick – Development Stormwater Management Concept Approval; SMC2022-00008, STP2022-00433

Dear Mr. Robertson:

The Development Stormwater Management (SWM) Concept (Concept) received on December 29, 2021, for the above referenced site is conditionally approved. Staff has determined that the Development SWM Concept, as described below, achieves the required level of on-site Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP), $P_E = 1.01$-inch, equivalent to 52 percent of the required ESD volume (ESDv), as established by the Pre-Application SWM Concept letter dated June 17, 2021. In addition, the Development SWM Concept achieves the required level of total on-site stormwater management by providing a minimum 95 percent of the Target ESDv in a combination of ESD measures and on-site structural storage, as established by the Annexation SWM Concept letter dated August 31, 2021.

This site is 20.58 acres and is identified as Parcels A and C, King’s Addition to Shady Grove, subject to annexation by the City’s Mayor and Council (ANX2020-00146), and Parcel P170 situated at 16200 Frederick Road. The proposed development includes the construction of up to 252 residential townhouses and 118 stacked condominium townhouses, a community center, and six public roads with associated public infrastructure. The property is located in the Rock Creek Watershed and is proposed to be zoned Mixed-Use Corridor District (MXCD). The on-site soils are predominately Gaiia and Glenelg Silt Loams and Urban Land which are classified as hydrologic soil groups (HSG) B and D, respectively.

According to the Rockville City Code (Code) Definitions, Chapter 19, Section 19-2, the Site qualifies as Redevelopment because it proposes construction on a property where existing imperviousness is greater than 40 percent of the site. The property is currently 48 percent impervious.

In accordance with the Code, Chapter 19, Section 19-45, SWM is required for all new and replacement impervious area within the entire site area including all impervious area previously existing on the site that does not have SWM to current standards. According to the submitted Concept, the total limit of disturbance is 20.37 acres which is 99 percent of the site, and the on-site impervious area subject to SWM is 13.81 acres.
Per the Code, Chapter 19, Section 19-46 (b), SWM also must be provided for imperviousness in a portion of the adjacent Frederick Road (MD 355) and Pleasant Drive Rights-of-way (ROW). According to the submitted Concept, the total impervious area in the adjacent ROW subject to SWM is 0.41 acre.

Your proposed Development impervious area is summarized as follows:

**ON-SITE SUMMARY**

Proposed new or replacement impervious areas are summarized as:

- Residential – Townhouses and Stacked Condominium Townhouses.
- Community Center with Pool.
- Public/Private Infrastructure – Roads, Alleys and Sidewalks.

Total on-site impervious area subject to SWM = 13.81 acres.

**Environmental Site Design Measures**

- The Concept proposes to provide a minimum $P_E = 1.31$-inch equivalent to 68 percent of the required $ESD_V$ in the following on-site measures:
  - 12,344 square feet (sf.) Permeable Pavement.
  - Three At-Grade Micro-Bioretention Facilities.
  - 51 Micro-Bioretention Planter Box Facilities.
  - 110 Roadside Micro-Bioretention Planter Box Facilities.

- Summary of ESD:
  - Total $ESD_V$ provided = 64,023 cubic feet (cf.).
  - Total $ESD_V$ required = 93,978 cf.
  - Percentage of $ESD_V$ provided = 64,023 cf./93,978 cf. = 68 percent.

**Structural Measures and/or Alternative Measures – Structural Measures and Monetary Contribution**

- Structural Measures – Eight on-site, underground, volume based structural facilities, which provide partial on-site $Cp$ in-lieu of providing full $ESD_V$.
- Alternative Measures – Monetary contribution for Channel Protection Volume $Cp$ in-lieu of providing full $ESD_V$ (0.48 impervious acre equivalent) and in-lieu of providing on-site $Q_{p10}$ for the 13.81 acres of on-site impervious area.

**ROW SUMMARY**

**Structural Measures and/or Alternative Measures – Monetary Contribution**

- Alternative Measures – Monetary contribution in-lieu of providing $WQ_V$, $Cp$, and $Q_{p10}$ for the 0.41 acre of impervious area in the adjacent ROW of Frederick Road (MD 355) and Pleasant Drive.

**CONDITIONS OF APPROVAL**

Staff has determined that ESD to the MEP has been met. The next step in the City of Rockville (City) SWM approval process is submission of a SWM Construction Plan for review and approval by the Department of Public Works (DPW) prior to permit issuance. In accordance with the Code, Chapter 19, Section 19-44, SWM must be provided by one of the following methods, which are listed in order of priority respectively: on-site ESD measures, on-site structural measures, and alternative measures which may include a monetary contribution.
This Development SWM Concept is conditionally approved subject to the following conditions, which must be addressed at the stages in the process as indicated below:

1. Submit a Stormwater Management Permit (SMP) Application, including the application and plan review fee, which is based on an initially submitted SWM construction estimate, in conjunction with detailed SWM plans (24"x36") and computations signed and sealed by a Professional Engineer (PE) licensed in the State of Maryland, except as otherwise noted, for review and approval by (DPW).

2. The submitted material must:
   a. Demonstrate compliance with this Concept including locations, types, and sizing of ESD measures.
   b. Include computations and construction details for review and approval by DPW:
      i. Design shall be in conformance with the latest version of the Montgomery County Department of Permitting Services Design Specifications for micro-bioretention and permeable pavement. Deviations from the specification must be approved by DPW.
      ii. Computations and plans must show the ESD$_V$ water surface elevation.
      iii. Utilize flow splitters, curb cuts, flow through inlets, or other methods approved by DPW to direct runoff for required volume to the ESD facilities and structural measures.
      iv. Overflow structures, underdrains, and tree configurations within the micro-bioretention facilities must be shown on the SWM construction plans and approved by DPW.
      v. Location and details for routing runoff from the roads into the micro-bioretention facilities shall be designed to avoid conflicts with street trees, streetlights, fire hydrants, and other public improvements in the ROW. Methods to minimize erosion at the inflow points shall be incorporated into the design; however, the use of rip-rap shall be limited to avoid buildup of road debris and to avoid poor aesthetics. Details for routing runoff shall be included on the SWM construction plans and approved by DPW.
      vi. The safe placement of SWM facilities shall meet the requirements of Montgomery County’s Water Resource Technical Policy, dated January 2021 (WRTP-8) and Memorandum of Requirements for Stormwater Management Practices and Allowable Spread in the Public ROW, dated November 18, 2019. A rail or fence of sufficient height to keep a pedestrian from tripping or falling into the practice must be incorporated into the design for all bioplanters in the public ROW.
      vii. Micro-bioretention facilities that are proposed with graded banks may only be converted to planter box micro-bioretention facilities during the detailed engineering phase with the approval of DPW.
      viii. Where proximity of the micro-bioretention facilities to the residential buildings and community center is less than 10-feet, a licensed PE in the State of Maryland must determine if any special treatment, including impermeable liners, is required. Evidence of such investigation and recommendation must be provided with the final engineering.
      ix. The on-site structural water quality measures shall be designed to treat the remaining (or portion thereof) Cp$_V$. Plans must include structural drawings for the underground SWM facilities with appropriate details and notes, sealed by a qualified PE licensed in the State of Maryland (PE seal for structural components cannot be on the same sheet as PE seal for SWM unless it is the same engineer sealing both aspects of the design).
x. Architectural/plumbing plans for the building(s) must clearly detail the routing of roof runoff through the building to the micro-bioretention facilities and structural measures and must be provided for review and approval by DPW. Plan must show how roof runoff, where applicable, will bypass the SWM facilities and connect to the storm drain system.

xi. Unless otherwise approved by DPW, storm drain conveyance infrastructure, either within the public ROW or on private property, must be located at least five-feet horizontally from the micro-bioretention facility top of bank or the top of wall elevation measured to the outside edge of the proposed storm drain pipe.

xii. Include the design, construction specifications, plant media depth, plant media specifications, planting schedule with types, sizes, and quantities of planting material for the micro-bioretention facilities.

xiii. Include a landscape design that has been coordinated with the Forest Conservation Plan (FCP), where applicable. The plan should include a planting schedule with types, sizes, and quantities of planting material, planting details, and notes, signed and sealed by a Landscape Architect licensed in the State of Maryland. The plan should differentiate between what planting material will be approved, bonded, and permitted with the SWM plan and what will be part of the Forestry Permit. The Landscape plan must show all stormwater appurtenances including pipes, overflow structures, inflow protection, etc. to ensure there are no conflicts.

c. All proposed storm drain infrastructure conveying drainage from the ROW must be in the proposed ROW or within an easement granted to the City (or State).

d. Identify paths for safe overland flow of the 100-year storm event with flow arrows.

e. Demonstrate that all components of the SWM system drain by gravity. Pumping of stormwater will not be permitted.

f. Submit a SWM Database sheet for each facility.

3. The Applicant shall make a monetary contribution to the City Stormwater Fund as an Alternative to providing $Cp$0 and $Qp$10 for any new or replacement impervious area created by the construction of the development not treated on-site; and as an Alternative to providing $Cp$, $WQ$, and $Qp$10 for the contiguous ROW. Calculations for the contribution shall be submitted with the SMP application utilizing the final engineering impervious area and the monetary contribution rate in effect at that time. The contribution must be paid prior to SMP permit issuance. Monetary contribution is required for the following:

a. Partial On-site $Cp$ for 0.48 acre.

b. Full On-site $Qp$10 for 13.81 acres.

c. Full Contiguous ROW $Cp$, $WQ$, and $Qp$10 for 0.41 acre.

4. Submit to DPW staff storm drain easements granting the City ownership and maintenance responsibility of public storm drain infrastructure on private property. The property owner and other parties of interest shall execute the easements and submit them for review and approval by DPW and the City Attorney’s Office. The storm drain easements must be recorded in the Montgomery County Land Records prior to SMP permit issuance.

5. The SWM facilities on-site shall be privately maintained. Submit for approval to DPW staff a SWM Easement, Inspection, and Maintenance Agreement for the proposed SWM measures on private property and a License and Maintenance Agreement for the shared maintenance of SWM measures located within the public ROW (SWM Agreements). Both agreements are subject to review and approval by DPW and the City Attorney’s Office and are to be executed by the property owner and other parties of interest. Access to all aspects of the SWM facilities will be determined in conjunction with final engineering and must be included in the SWM Agreements. The SWM Agreements must be recorded in the Montgomery County Land Records prior to SMP permit issuance. Plans must delineate and label SWM easements.
Mr. Wyndham Robertson  
January 12, 2022  
Page 5

6. Submit on-site Storm Drain plans (24"x36") and computations signed and sealed by a PE licensed in the State of Maryland, except as otherwise noted, for review by DPW.

7. Post financial security based on the final approved SWM construction cost estimate in a format acceptable to the City Attorney, either by letter of credit or performance bond. Approval, which is coordinated through DPW staff, is required prior to SMP permit issuance.

8. Obtain approval of an FCP from the City Forester prior to DPW issuance of SMP and Sediment Control permits.

9. Required approvals and permits for drainage connections to existing storm drains in Maryland State Highway Administration (MSHA) easements and ROWs must be obtained prior to the issuance of a Stormwater Management Permit (SMP).

10. Obtain approval from WSSC for any WSSC utilities crossing proposed SWM facilities prior the issuance of a Stormwater Management Permit (SMP).

This SWM approval does not supersede or negate other required project approvals. The Concept approval is contingent upon compliance of all other City and other governmental agency requirements including, but not limited to, City Forestry, Traffic and Transportation, and Planning and Development Services.

Any significant changes to the proposed development may result in the requirement to submit a revised Development SWM Concept with review fee for approval by DPW.

If you have any questions, please contact Principal Civil Engineer Sean Murphy via email at smurphy@rockvillemd.gov or via telephone at 240-314-8535.

Sincerely,

John Scabia, P.E.  
Chief of Engineering

JKS/SKM/kmc

Attachments: King Buick – Development SWM Concept Plan, dated December 29, 2021

cc: Jim Lapping, Engineering Supervisor  
John Foreman, Development Services Manager  
Sachin Kalbag, Principal Planner  
Shaun Ryan, Principal Planner  
Conrad Aschenback, Victor, Inc.  
Barbara Sears, Miles & Stockbridge  
Logan Kelso, VIKA Maryland, L.L.C.  
SWM Concept file  
Permit plan, SMC2022-00008, STP2022-00433  
Day file
FOR LOCATION OF UTILITIES CALL 48 HOURS IN ADVANCE OF ANY
CUTS.
Planning and Development Services
Received
12/29/2021
STP2022-00433
Our Site Set on the Future.

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I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

ENGINEER'S NAME: LOGAN B. KELSO, P.E.
LICENSE No.: 51971
EXPIRATION DATE: DECEMBER 10, 2023

"FOR LOCATION OF UTILITIES CALL 8-1-1 or 1-800-257-7777 OR LOG ON TO www.call811.com or http://www.missutility.net 48 HOURS IN ADVANCE OF ANY WORK IN THIS VICINITY"
January 14, 2022

Mr. Wyndham Robertson  
EYA Development, L.L.C.  
4800 Hampden Lane, Suite 300  
Bethesda, Maryland 20817

SUBJECT: 16200 Frederick Road – King Buick – Safe Conveyance Study; SMC2022-00008, STP2022-00433

Dear Mr. Robertson:

The Safe Conveyance Study for the above referenced project is conditionally approved. Staff has determined that the existing downstream storm drain system has the capacity to safely convey the proposed 10-year runoff from this project and that no system upgrades or mitigating measures are required for this application and the proposed development.

The site is 20.58 acres and is identified as Parcels A and C, King’s Addition to Shady Grove, subject to annexation by the City’s Mayor and Council (ANX2020-00146), and Parcel P170 located at 16200 Frederick Road. The proposed development includes the construction of up to 252 residential townhouses and 118 stacked condominium townhouses, a community center, and six public roads with associated public infrastructure. The property is in the Rock Creek Watershed and is to be zoned Mixed-Use Corridor District (MXCD). The on-site impervious area subject to storm water management (SWM) is 13.81 acres. The total impervious area in the existing adjacent Rights-of-way (ROW) of Frederick Road (MD 355) and Pleasant Drive subject to SWM is 0.41 acre.

The development proposes to connect to the existing public storm drain system located within Frederick Road and Maryland State Highway Administration (MSHA) ROW. The storm drain system outfalls to a rip-rap lined open channel on a Montgomery County owned parcel north of Frederick Road. Storm drain computations submitted with the SWM Concept Plan demonstrate the existing storm drain system has adequate capacity to safely collect and convey the runoff associated with the 10-year storm for the designed contributing area, including the proposed development.
The Safe Conveyance Study is conditionally approved subject to the following conditions which must be addressed at the stages in the process as indicated below:

1. At the detailed engineering stage, the Applicant shall demonstrate to the satisfaction of the Department of Public Works (DPW) that the existing public storm drain system from the proposed connection to the downstream junction (Existing Structure 1) can safely collect runoff from the 10-year event according to Montgomery County design criteria. The proposed connection will be reviewed in conjunction with the DPW Public Works Permit (PWK).

2. At the detailed engineering stage, the Applicant shall demonstrate to the satisfaction of DPW that all proposed private and public storm drain infrastructure affected by the development can safely collect and convey runoff from the 10-year event. Both the proposed private and public systems will be reviewed in conjunction with the PWK.

3. At final engineering, the Applicant shall provide plans and documents to support verification of existing information used within the Safe Conveyance Study computations.

4. Applicant must obtain required approvals and permits for drainage connections to existing storm drain infrastructure in MSHA and Montgomery County (Department of Permitting Services, Division of Land Development) easements and ROWs prior to issuance of affected permits by DPW.

5. The limits of the downstream conveyance must be shown to the nearest stream outfall, to a point where three consecutive storm drain pipe runs are able to convey the proposed peak discharge without surcharging the system, or to a distance of 500-feet of conveyance, as directed by DPW, MSHA, or Montgomery County.

6. Easements must be provided to the City, County, and/or MSHA for proposed public storm drain systems in areas not dedicated as ROW. The easements must be of sufficient width as deemed by the respective governing body. Easements dedicated to the City must be provided at no cost to the City and approved by the City Attorney’s Office. The easements must be recorded in the Montgomery County Land Records prior to PWK and SMP permit issuance.

This Plan approval does not supersede or negate other required project approvals. The approval is contingent on meeting all other City and other governmental agency requirements including, but not limited to the requirements of forestry, traffic and transportation, and planning.

Any significant modification, revisions, or alterations to the proposed development may result in the requirement to submit a revised Safe Conveyance Study for approval by DPW.
Mr. Wyndham Robertson  
January 14, 2022  
Page 3

If you have questions, please contact Senior Civil Engineer Adeyemi Ojumu via email at aojumu@rockvillemd.gov or via telephone at 240-314-8525.

Sincerely,

[Signature]

John Scabis, P.E.  
Chief of Engineering

JKS/AAO/kmc

Attachments:  King Buick – Downstream Storm Drain Analysis, dated December 29, 2021

cc:  Jim Lapping, Engineering Supervisor  
Sean Murphy, Principal Civil Engineer  
John Foreman, Development Services Manager  
Sachin Kalbag, Principal Planner  
Shaun Ryan, Principal Planner  
Conrad Aschenback, Victor, Inc.  
Barbara Sears, Miles & Stockbridge  
Logan Kelso, VIKA Maryland, L.L.C.  
Stormwater Management Concept file  
Permit plan, SMC2022-00008, STP2022-00433  
Day file
Stump Drain Outfall Analysis
SHA Storm Drain Profile
STP2022-00433

Planning and Development Services
Received
12/29/2021
STP2022-00433
January 19, 2022

Mr. Wyndham Robertson  
EYA Development, L.L.C.  
4800 Hampden Lane, Suite 300  
Bethesda, Maryland 20817

SUBJECT: 16200 Frederick Road – King Buick – Preliminary Sediment Control Approval, SCP2022-00004, STP2022-00433

Dear Mr. Robertson:

The Preliminary Sediment Control Plan (Plan) for the above referenced project is conditionally approved. Staff has determined that the Plan demonstrates the integration of Erosion and Sediment Control and Environmental Site Design measures into the Development Project, while protecting the natural resources, as required by Rockville City Code, Chapter 19, Section 19-97.

The site is identified as Parcels A and C, King’s Addition to Shady Grove, subject to annexation by the City’s Mayor and Council (ANX2020-00146), and Parcel P170 located at 16200 Frederick Road. The site is 20.58 acres and is currently improved with an automobile dealership and service facility with associated surface parking adjacent to unimproved open space. The proposed redevelopment includes construction of up to 252 residential townhouses and 118 stacked condominium townhouses, a community center, and six public roads with associated public infrastructure. The property is in the Rock Creek Watershed and is to be zoned Mixed-Use Corridor District (MXCD). The on-site soils are designated as Gaila and Glenelg Silt Loams and Urban Land, which are classified in the B and D hydrologic soil groups (HSG), respectively.

The Plan incorporates the 2011 Maryland Department of the Environment (MDE) Standards and Specifications for Soil Erosion and Sediment Control and includes a sequence of construction for demolition, grading, building construction, Stormwater Management (SWM) construction, and construction of associated infrastructure. A copy of your submitted Plan is attached.
The Preliminary Sediment Control Plan associated with STP2022-00433 is approved subject to the following conditions, which must be addressed at the appropriate stage in the City’s three-stage Erosion and Sediment Control process:

1. Submit a Sediment Control Permit (SCP) Application, including the application and plan review fee, which is based on the project’s limits of disturbance, in conjunction with a final engineering Erosion and Sediment Control Plan for approval and permitting by the Department of Public Works (DPW) prior to any construction or site disturbance. DPW may require additional sediment control measures be provided during the review of the final engineering Erosion and Sediment Control Plan. The submission should:
   a. Include all plans (24”x36”), computations, and supporting documentation as outlined in the City’s Chapter 19, Regulations and Sediment Control Plan Review Checklist (available on the City’s website).
   b. Incorporate the Maryland Department of the Environment (MDE) standard methods and practices and include a sequence of construction detailing specific construction steps associated with the project.
   c. Temporary sediment basins shall meet MDE Standard G-2 criteria and NRCS-MD Code No. 378 low hazard “Class A” exemption requirements. Basins shall otherwise be designed and constructed according to the requirements of Technical Release 60 and subject to permit approval by MDE Dam Safety Division. The first submission must include a Dam Breach analysis verifying failure does not result in loss of life, damage, or interruption to MD 355.

2. Submit a sequence of construction to be approved with the SCP permit and a maintenance of traffic plan to be reviewed, approved, and permitted with a PWK permit during the detailed engineering phase for pedestrian access, construction access, staging and parking. The maintenance of traffic plan for the construction period shall include, but not be limited to, the methods of maintaining pedestrian safety and access of the existing sidewalks, temporary closing of sidewalks for work in the streetscape zone, and pedestrian detours.

3. Obtain all other required permits for sediment control and site disturbance prior to any site activity, including the installation of any sediment control measures and an MDE Notice of Intent (NOI) to obtain authorization for the 2014 General Permit for Stormwater Associated with Construction Activity.

4. Post financial security based on the final approved Sediment Control construction cost estimate in a format acceptable to the City Attorney, either by cash, letter of credit, or performance bond. Approval, which is coordinated through DPW staff, is required prior to permit issuance.

5. Building permit issuance from the Inspection Services Division is required prior to building excavation.

6. Obtain approval of an FCP from the City Forester prior to DPW issuance of Sediment Control and Stormwater Management permits.

7. Required approval and permits for drainage connections to existing storm drains in Maryland State Highway Administration easements and Right-of-way must be obtained prior to SCP permit issuance.

This Plan approval does not supersede or negate other required project approvals. The approval does not imply or infer the approval of methods or the sequence of construction. Further, the approval is contingent on meeting all other City and other governmental agency requirements including, but not limited to the requirements of Forestry, Traffic and Transportation, and Planning.

Any significant modification, revisions, or alterations to the proposed development as shown on the attached Plan may result in the requirement to submit a revised Preliminary Sediment Control Plan for approval by DPW.
Mr. Wyndham Robertson  
January 18, 2022  
Page 5  

If you have questions, please contact Principal Civil Engineer Sean Murphy via email at smurphy@rockvillemd.gov or via telephone at 240-314-8535.

Sincerely,

James Lapping

James Lapping, P.E.  
Engineering Supervisor

JDL/SKM/kmc

Attachments:  King Buick – Preliminary Sediment Control Plan, dated January 14, 2022

cc:  Dave Waterman, Senior Civil Engineer  
John Foreman, Development Services Manager  
Sachin Kalbag, Principal Planner  
Shaun Ryan, Principal Planner  
Conrad Aschenbach, Victor, Inc.  
Barbara Sears, Miles & Stockbridge  
Logan Kelso, VIKA Maryland, L.L.C.  
Preliminary Sediment Control file  
Permit plan, SCP2022-00004, STP2022-00433  
Day file
Comply with the City of Rockville's Standard Erosion and Sediment Control Notes

Prior to clearing of trees, installing sediment control measures, or grading, a pre-construction meeting must be conducted on-site with the City of Rockville.

Changes to the approved plans require written approval from DPW Engineering and may require an approved 'redlined' plan revisions before proceeding.

Building construction and remaining infrastructure:
- Install concrete boxes under the supervision of the geotechnical engineer. Install stone.
- Contact ViKa and City SWM inspector to observe the installation with 48 hours notice.
- Obtain written permission from the COR SWM inspector.
- Public water and sewer installation may begin once permits have been obtained from WSSC.
- Stormwater management vaults: with the written permission of the COR stormwater management inspector, begin installation of stormwater management.
- Install 2" stone bedding course and concrete paver system.

Upon completion of work, the permittee must obtain approval from City of Rockville Sediment Control inspector prior to removal of any remaining sediment.

Install stone subbase and 4" perforated PVC overdrain.

The following steps are guidelines for construction and do not need to occur in the order shown, unless specifically noted.
- Install mulch and landscaping.
- Porous pavement shall only receive runoff once installation is approved by the COR stormwater management inspector.

Infrastructure installation:
- City of Rockville sediment and erosion control inspector: Dylan Drudul @ 240-314-8879
- Permittee, owner, or owners representative:
- General contractor:
- Existing SWM facilities downstream of project:
- Contact Miss Utility @ 1-800-257-7777 or 811 and have utilities marked in the work area.
- SWM construction inspection and as-built process (see SWM plan)
- Limits of disturbance (LOD) and tree protection measures to be marked/staked out in the field.
- City of Rockville forestry inspector: Natasha Shangold @ 240-314-8205
- City stormwater management inspector: Ethan Chappell @ 240-314-8541

Logan Kelso, P.E.
PLANNER, LANDSCAPE ARCHITECT
11 N WASHINGTON ST.
BETHESDA, MD 20814
PREPARED FOR:
VIKA MARYLAND, LLC
SUITE 700
GERMANTOWN, MD 20874
DATE ISSUED:
NOV 11, 2021
301.916.4100 | vika.com

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