



PLANNING COMMISSION

Wednesday, April 8, 2020

7:00 PM

Meeting No. 08-2020

AGENDA

Charles Littlefield, Chair

Don Hadley
Suzan Pitman
Sarah Miller

Anne Goodman
John Tyner, II
Rev. Jane E. Wood

Jim Wasilak, Staff Liaison
Nicholas Dumais, Assistant City Attorney

Rockville City Hall will be closed until April 24 due to recent state directives for slowing down the spread of the coronavirus COVID-19 and social distancing.

The Planning Commission is not conducting meetings in person. If you wish to submit comments in writing for an agenda item, please email them to planning.commission@rockvillemd.gov by 2:00 p.m. on the day of the meeting.

All comments will be acknowledged by the Planning Commission at the meeting.

1. Discussion

**Rockville 2040 Comprehensive Plan Update, Volume II - Planning Areas:
Reschedule Public Hearing Dates**

2. Briefing

**Briefing for Project Plan PJT2020-00012 Key West Center at Falls Grove,
to Permit Up to 350 Multi-Unit Dwellings at 1800 Research Boulevard in
the PD-FG (Planned Development - Falls Grove) Zone; Key West
Falls Grove, LLC, C/O Lerner Enterprises, Applicant**

3. Recommendation to Mayor and Council

Recommendation to Mayor and Council on Zoning Text Amendment TXT2020-00256, to Amend Section 25.21.21 of the Zoning Ordinance to Modify the Tree Planting Requirements for New Residential Lots Containing Townhouses, Duplexes and Other Attached Units; Mayor and Council of Rockville, Applicants

4. Commission Items

A. New Business

B. Staff Liaison Report

C. Old Business

D. FYI/Correspondence

5. Adjourn

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.



Agenda Item #:	<u>1</u>
Meeting Date:	<u>April 8, 2020</u>
Responsible Staff:	<u>Clark Larson</u>

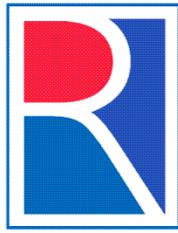
SUBJECT:

Rockville 2040 Comprehensive Plan Update, Volume II -
Planning Areas: Reschedule Public Hearing Dates

RECOMMENDATION

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

Staff recommends that the Planning Commission reschedule the previously approved public hearing dates to accept oral testimony on the Public Hearing Draft of the Comprehensive Plan, Volume II: Planning Areas.



City of
Rockville
 Get Into It

Planning Commission Staff Report

MEETING DATE: April 8, 2020

REPORT DATE: April 1, 2020

RESPONSIBLE STAFF: Clark Larson, AICP
 Principal Planner
 240.314.8225 or clarson@rockvillemd.gov

SUBJECT: Reschedule Public Hearing Dates for the Comprehensive Plan, Volume II – Planning Areas, Planning Commission Draft for Public Hearing

DISCUSSION

On February 12, 2020, the Planning Commission voted to set May 13 and May 27, 2020, as the public hearing dates for the Planning Commission's Public Hearing Draft of the Comprehensive Plan, Volume II: Planning Areas. As a reminder, Volume II of the Comprehensive Plan Update is written as a supplement to Volume I, which is the broader citywide policy document comprised of the Plan elements. The entire Volume II public hearing draft, as well as the most recent version of the citywide elements in Volume I, is available for review at www.rockvillemd.gov/Rockville2040.

On March 13, 2020, City Manager Rob DiSpirito closed City Hall, for two weeks, to public business due to the COVID-19 public health emergency. The City Manager later extended the

closure at least through April 24, 2020, representing an extension of the original announcement. It is unknown at this time whether the closure will be extended again.

Given the uncertainty of when public gatherings may safely resume, staff believes that it would be prudent for the Planning Commission to reconsider the May dates that have been set for the public hearings.

As you know, City Information Technology (IT) staff has worked diligently to support the ability to hold remote meetings for the Mayor and Council and for City Boards and Commissions, including the Planning Commission. As of this writing, however, there is no established mechanism for these City bodies to receive public input during the times that specific agenda items are being covered. The Mayor and Council have received public comments for Community Forum, yet these comments are submitted in writing and in advance, rather than during the meeting itself. To date, the Mayor and Council have not yet held a public hearing during their remote meetings. IT staff continues to work on this challenge, along with the City Clerk / Director of Council Operations and the City Manager's office, but it is not yet solved.

While staff expects such a mechanism to be developed within the next few weeks, we are not confident that federal, state and local public health officials will conclude that in-person meetings may be safely held by May. This result would affect not only the public hearings themselves, but the ability for civic associations to meet and develop their points of view on the draft document, which affects their neighborhoods directly. As a result, the validity of the public hearing process could be questioned if they are held as scheduled, for such an important document for the City.

Staff Recommendation

Staff recommends that the Planning Commission reschedule the dates for the public hearing on the draft Comprehensive Plan, Volume II: Planning Areas to September 9 and September 23, 2020. It is expected that these dates will provide enough time between the current public health emergency and safely resuming community gatherings, as well as provide sufficient time for residents to adjust to the new school year. The Planning Commission could change those dates again, if it is deemed necessary.

PUBLIC OUTREACH

The public comment period for the Volume II draft began on February 13, 2020 and remains open. Written testimony will continue to be accepted until at least the conclusion of any rescheduled public hearing dates. Staff will continue to encourage the Rockville community to review the draft Volume II and submit written testimony to the Planning Commission.

As with Volume I of the Comprehensive Plan draft, the Volume II draft is the result of extensive community input that was gathered over a multi-year period, through the Rockville 2040 public engagement effort. Hundreds of residents, business owners, employees and others participated

in the effort and helped generate the policies and recommendations in Volume II. Rockville 2040 included 35 listening sessions that were held throughout the city (including at least one in every planning area), citywide meetings that brought more refinement to the plan, and many follow-up meetings with various neighborhoods, residents, property owners and other stakeholders. The public engagement process is discussed in more detail in the Introduction to Volume I.

Outreach and public engagement will continue through the end of this process, including communication with community and neighborhood associations and electronic outreach with the general Rockville community in advance of rescheduled public hearings.

BOARDS AND COMMISSIONS

City boards and commissions participated in many of the meetings held during the Rockville 2040 process; and city staff attended various meetings of boards, commissions and other organizations (e.g., Rockville Housing Enterprises, Rockville Chamber of Commerce, Rockville Asian Pacific Task Force, Recreation and Parks Advisory Board, Rockville Senior Citizen Commission, Rockville Environment Commission, Rockville Economic Development, Inc., etc.) to share plan update progress and obtain input. The Planning Commission also invited Chairs of boards and commissions to work sessions during the review of Volume I, to participate in discussions of relevant elements. The Planning Commission may again choose to include relevant boards and commissions in work sessions on Volume II.

NEXT STEPS

The public comment period for the Volume II: Planning Areas draft remains open. Staff will continue work to ensure that the Rockville community, including surrounding jurisdictions and state agencies, are informed of the revised schedule for the Planning Commission to accept written and oral testimony on the Volume II draft. Staff will also be available to answer questions and provide guidance on the review of the Volume II draft through this extended review period.

Once public hearings are held and the Planning Commission has considered all testimony and directed staff to make any desired changes, a revised Volume II will be joined with the citywide elements of Volume I. A consolidated Planning Commission Recommended Draft Comprehensive Plan will then be transmitted to the Mayor and Council for review and action.

The revised anticipated schedule for the Draft Volume II is outlined below:

- **February to September 2020** – Public comment period.
- **September 9 and 23, 2020** – Revised public hearings dates suggested by staff.
- **October – December 2020** – Planning Commission work sessions to review public testimony.

- **December 2020 – January 2021** – Staff finalizes edits to Volumes I and II based on Planning Commission direction; Planning Commission transmits its recommended Comprehensive Plan, Volumes I and II, to the Mayor and Council for its review and final action.

Jim Wasilak

Jim Wasilak, Zoning and Development Manager

4/1/2020



Agenda Item #:	2
Meeting Date:	April 8, 2020
Responsible Staff:	Brian Wilson

SUBJECT:

Briefing for Project Plan PJT2020-00012 Key West Center at Falls Grove, to Permit Up to 350 Multi-Unit Dwellings at 1800 Research Boulevard in the PD-FG (Planned Development - Falls Grove) Zone; Key West Falls Grove, LLC, C/O Lerner Enterprises, Applicant

RECOMMENDATION

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

Hold the briefing and allow the applicant the opportunity to present the proposed development.



Overview

Case: Key West Center at Falls Grove - PJT2020-00012

Location: 1800 Research Boulevard

Staff: Brian Wilson, AICP
 Planning and Development Services
 240.314.8227
 bwilson@rockvillemd.gov

Applicant: Keywest Falls Grove, LLC, c/o Lerner Enterprises

Filing Date: February 5, 2020

Discussion

In accordance with Section 25.07.07 of the Zoning Ordinance, the applicant has submitted a proposal to amend the Falls Grove Planned Development (PD), initially approved by the Mayor and Council under Comprehensive Planned Development CPD99-0004 (see Attachment B - Project Narrative, and Attachment C - Concept Plan). The Concept Plan approval on this property allows for 210,981 square feet of office development. Site plans for office development on this property were approved by the Planning Commission; both expired without implementation.

The site is approximately 7.03 acres in size and located on the southwest corner of West Gude Drive and Research Boulevard, within the Falls Grove Planned Development. The applicant is proposing an amendment to the existing approval to allow for the development of up to 350 multi-unit dwellings. The building would be five stories of apartments over structured parking and 120 feet in height. The applicant states that a single use for this property is appropriate due to the overall mixed-use nature of the Falls Grove development and the limited marketability of

office space within Montgomery County. It should also be noted that the applicant would like to retain the ability to construct office on the site, should an opportunity to develop office space on the property present itself in the near future.

Public Notification and Engagement

The applicant held a pre-application area meeting on July 29, 2019 (1 resident was in attendance) and a post-application area meeting on March 9, 2020 (0 residents in attendance) with the required notifications accomplished accordingly.

Boards and Commissions Review

In accordance with Section 25.07.07.6. of the Zoning Ordinance, the Mayor and Council will be briefed on the proposal following the Planning Commission briefing. The purpose of the briefing is for the applicant to inform officials about the proposal, including a project overview and review schedule.

Next Steps

Following the Mayor and Council briefing, the applicant is encouraged to make any revisions to the proposal as needed, pursuant to comments received at the briefing sessions. Such plan revisions will be made before the request is scheduled for consideration by the Planning Commission at a regularly scheduled meeting. The Planning Commission must review the project plan application, as revised, at a public meeting and provide an opportunity for public comment. After its review, the Commission shall prepare and transmit its comments and recommendation on the application to the Mayor and Council.

Following the Commission review, the project plan application will be scheduled for a public hearing by the Mayor and Council. At this stage, the applicant is encouraged to revise plans based on comments and recommendations received from the Planning Commission. If directed by the Mayor and Council, the applicant must hold another area meeting and receive comments on the proposed plan. Upon hearing all such evidence from the public hearing and area meeting, the Mayor and Council will render a final decision on the proposed project plan amendment 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. Following Project Plan approval, the applicant would then submit an application to the Planning Commission for site plan approval.

Attachments

- Attachment 2.2.A: Location Map - Key West Center at Falls Grove (PDF)
- Attachment 2.2.B: Applicant Justification Statement (PDF)
- Attachment 2.2.C: Concept Site Plan (PDF)
- Attachment 2.2.D: Concept Building Elevations and Floor Plans (PDF)

Jim Wasilak

Jim Wasilak, Zoning and Development Manager

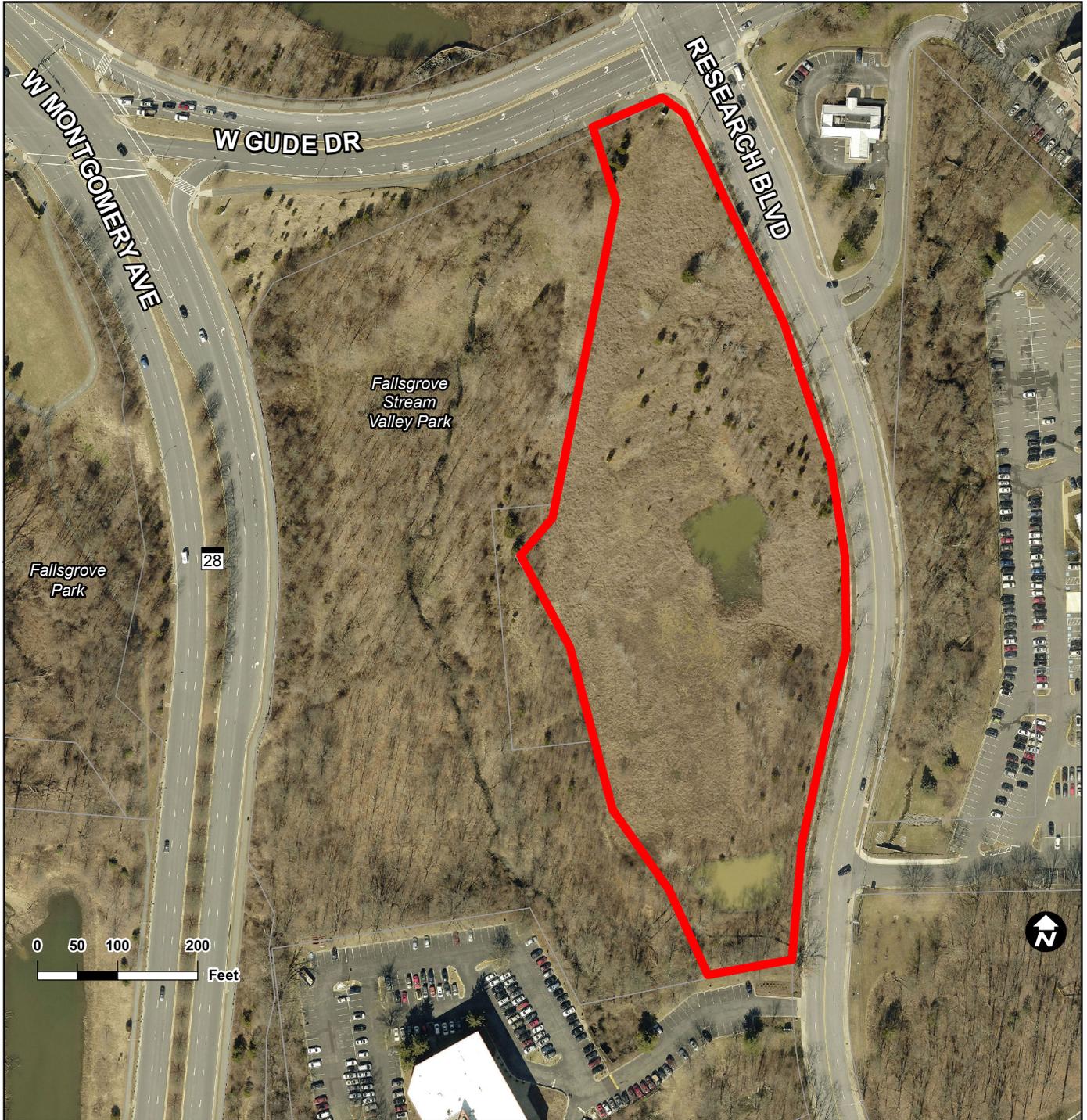
4/1/2020



Case Number: PJT2020-00012

Address: 1800 Research Boulevard

Project Name: Key West Center at Fallsgrove



Attachment 2.2.A: Location Map - Key West Center at Fallsgrove (2981 : Briefing - Key West Center at Fallsgrove PJT2020-00012)

JUSTIFICATION STATEMENT

**FG Office Group, LLC
Parcel 37, Grassland ETC Subdivision
Fallsgrove Planned Development
Comprehensive Planned Development Concept Plan Application CPD99-0004**

PROJECT PLAN AMENDMENT APPLICATION

JANUARY 10, 2020

On behalf of FG Office Group, LLC (a Lerner Enterprises affiliate) (the “Applicant”) the attached application proposes to amend the current Comprehensive Planned Development Concept Plan Application CPD99-0004 (“CPD”) (Resolution No. 1-00) pursuant to a Project Plan Amendment, for the property known as Parcel 37, Grassland ETC Subdivision, at the southwest corner of West Gude Drive and Research Boulevard (with no designated address) (the “Property”). The Project Plan Amendment seeks approval to develop the Property to accommodate up to 350 residential units (the “Project”). As part of this application, the Applicant requests that the current commercial office designation be retained, in the remote chance that there is a future resurgence of the commercial office market.

I. PROPERTY DESCRIPTION, ZONING AND BACKGROUND

The Property consists of 6.53 acres (284,779 square feet) and is part of the 254 acre Fallsgrove development that involved the comprehensive redevelopment of the Thomas Farm. The Property is zoned PD-FG (planned development, Fallsgrove) and was designated for 210,981 square feet of office development, pursuant to an amendment to the CPD (Resolution No. 21-05). As discussed in greater detail below, the Applicant has determined that the commercial real estate office market cannot support an office building at this location and thus has decided to pursue approval to accommodate residential development on the Property. The Property’s assigned “equivalent zoning” is MXE (mixed use employment). Pursuant to Zoning Ordinance Section 25.14.07, Project Plan Amendment approval by the Mayor and Council is required in order to amend the Fallsgrove Planned Development Governing Documents to accommodate the requested residential development on the Property. As discussed below, the proposed residential development is consistent with the development standards of the MXE Zone.

The Property is located immediately to the east of the City owned forested open space, to the north of the Westat office complex, to the west across Research Boulevard from various

office buildings and to the south across West Gude Drive from City owned open space.

II. PROPOSED PLAN

A. Architecture

The Applicant is proposing the development of a multi-family building with up to 350 units (365,000 gross square feet). The building will be five stories provided over podium parking with a maximum height of 120 feet. Approximately 525 parking spaces will be provide with approximately 309 garage spaces and approximately 141 surface parking spaces. Two substantial amenity spaces will be provided within the courtyards of the building. The open space facing west will include a pool and the courtyard facing east will be improved with a patio, picnic area, passive recreational spaces and green space. The Project will provide moderately priced dwelling units in accordance with the Zoning Ordinance requirements.

The building footprint is made up of a series of bars organized around two distinct outdoor courtyards, with primary frontage along Research Boulevard. Proposed façade materials will include a combination of brick veneer, metal panel, cementitious panel, and glass. The building’s design frames the street in an effective manner, without concentrating all of the density along the Research Boulevard frontage of the building. In this way, the building delineates the open space provided along the frontage of the Property, including the shared use path, while maintaining an open feeling.

The building architecture seeks to be human-scaled, contextual, walkable, and integrated with the landscape, both within and surrounding the site. Multiple building entry points promote walkability throughout the site and connection to the adjacent trail network. The architectural style mediates between the highly glazed and contemporary office buildings in the immediate context of Research Boulevard and the Neo-Traditional design principals of Falls Grove. The architecture employs many of the strategies of traditional design, such as special attention to the detailing and materiality of the building base, a clear delineation between the base and top, and a strong rhythm of window organization and patterning.

B. Parking and Access

The main entrance to the building will be along the northern façade so that visitors may easily be dropped off, with an adjacent surface parking area for visitor and future resident parking. The two vehicular access points to the Property will be located to align with the existing curb-cuts on the opposite side of Research Boulevard. A driveway loop connecting the two vehicular entry points and wrapping behind the building will be provided which provides for required fire access. This driveway is lined with parking spaces that will be concealed from the

Attachment 2.2.B: Applicant Justification Statement (2981 : Briefing - Key West Center at Falls Grove PJT2020-00012)

public street, given the building location and the forested City-owned open space to the west of the Property. The operational components of the building (*i.e.*, the loading docks, utility services, transformers and trash areas) will be located along the south and west-sides of the building, and screened from view.

To further promote the use of public transportation, the Applicant will install a standardized city bus shelter in place of the bus stop located along the Research Boulevard frontage of the Property.

C. Public Open Space

In accordance with the Zoning Ordinance requirements, a minimum of 20 percent of the Property will be open space, of which 5 percent will be public open space. More specifically, the Project will provide 142,668 square feet of open space (46.6 percent) and 59,540.5 square feet of public open space (19 percent). The public open space will be located in the northern portion of the Property where an approximate 19,000 square foot pocket park improved with pathways and pedestrian-scale plantings is located. In addition, public open space will also be located along a portion of the Property's Research Boulevard frontage, where the shared use path is located partially on the property and partially within the right of way.

III. JUSTIFICATION FOR EXCLUSIVELY RESIDENTIAL USE

Fallsgrove is a thriving, integrated mixed-use community and comprised of approximately 1,500 residences, approximately 275,000 square feet of office, almost 600,000 square feet of retail and a hotel. These integrated uses are all located within the land area bounded by Shady Grove Road to the west, Montgomery Avenue to the north and east and Darnestown Road to the south. Outside of this area there are three "satellite" sites – the Property and two sites north of Gude Drive and east of West Montgomery Avenue, all of which are designated for office/research and development and remain vacant. Given the existing mixed use nature of Fallsgrove, the request for a Project Plan Amendment to accommodate residential on the Property, in no way compromises the overall mixed use environment.

The Applicant's request for the residential designation is to allow for a viable use to be developed on the Property. Ideally, if there were a sustainable office market, the Applicant would develop the Property for an office use. It is for this reason, that, in the remote event the office market were to rebound, the Applicant requests the preservation of the office designation. However, the Applicant's unsuccessful efforts to market the Property for office use for more than a decade due to the lack of market interest, coupled with the challenges the Applicant has had in leasing their two office buildings in Fallsgrove proper, are the driving forces behind the subject Project Plan Amendment. More specifically, the relatively new (completed in 2014)

Fallsgrove office building along Shady Grove Road (14995 Shady Grove Road) has a 63 percent vacancy rate while the office building located at 14955, that was constructed in 2002, has a vacancy rate of 28 percent. Notably, the Applicant has actively tried to lease the space in these two buildings since before the buildings were even completed.

In connection with the Project Plan Amendment, the Applicant consulted with Avison Young, a commercial real estate firm, to assess the viability of the office market in the vicinity of the Property. The Avison Young reports confirmed that the office market overall in Montgomery County is not strong; Avison Young's Montgomery County Office Overview for December 31, 2018 showed a 15% vacancy rate, while the Montgomery County Office Overview for September 30, 2019 shows a 14.6% vacancy rate with a negative net absorption, meaning that the market is essentially flat. The office market for the I-270 Corridor was comparable to the County's with the I-270 Corridor Office Overview for December 31, 2018 indicating a vacancy rate of 15.8% and for September 30, 2019, a vacancy rate of 15.2%. Avison Young noted that the statistics substantiate that the office market is flat and that landlords along the I-270 are having to upgrade their buildings to retain any existing tenants. While the vacancy rates for the County and the I-270 corridor were somewhat anemic, what was most striking for the Applicant was the vacancy rates in close proximity to the Property. For the period ending June 2019, the overall vacancy rate for commercial buildings along Research Boulevard, Shady Grove Road and King Farm is 32.47 percent.

It would be one thing if the vacancy rates cited above were an aberration from the historical trends, but unfortunately, they are reflective of the state of the office market for over the past decade outside major urban areas and the central business districts. Given this decade long historical trend and the fact that there is nothing to indicate a change in market, the Applicant determined that the only fiscally prudent option available was to pursue the Project Plan Amendment that will accommodate residential development on the Property.

IV. COMPLIANCE WITH COMPREHENSIVE PLAN

A. City of Rockville November 12, 2002 Comprehensive Master Plan

The November 12, 2002 Approved and Adopted City of Rockville Comprehensive Master Plan (the "Master Plan") locates the Property within Planning Area 15, Research/Piccard/King Farm/Fallsgrove Neighborhood. The Master Plan recognizes the overall mixed use nature of Fallsgrove and at the same time notes that the Fallsgrove Concept Plan designated the Property for office development.

The Master Plan provides that the Fallsgrove development is intended to reduce automobile traffic by providing a mixture of complementary land uses within walking distance

of each other. The Master Plan further provides that access to transit will be necessary to reduce vehicular trips. The Project will be the *only* residential project within a reasonable walking distance of the more than 3 million square feet of office development located along Research Boulevard. Development of a residential building at this location helps to create a mixed use corridor in this area. In regard to access to transit, the Property is conveniently served by three Ride-on bus lines: the 54 (Rockville Station to Lakeforest Transit Station); 63 (Rockville Station and Shady Grove Station); and 66 (Shady Grove Station and Traville Transit Center), thus promoting the Master Plan recommendation of developing in areas with easy access to transit.

The Project will further a number of the Master Plan's overall goals and objectives, including the following:

- Encourage multi-family housing in mixed-use areas of development (page 10-1)
- Create a balance between different housing types (page 10-1)
- Promote policies and practices that are non-discriminatory in the rental housing stock and that preserve neighborhoods, recognize historical significance, encourage affordable and accessible housing and consider the impact of land use (page 10-1)
- Continue to support the MPDU program (page 10-9)
- Minimize the impact on the natural environment (page 4-32)
- Implement Rockville's Bicycle Master Plan to provide recreational and commuter opportunities (11-1)

B. Draft 2040 Comprehensive Plan

The 2040 Comprehensive Plan (Vision 2040) is still in draft form, with the Elements volume (i.e. Part 1) having been made available to the public for comment. The recommendations for the individual Planning Areas has not, as of the date of submission of this Project Plan Amendment, been made available to the public. Although the Vision 2040 Plan is a draft not yet adopted by the City, we nonetheless address it herein. Perhaps most importantly, is the Vision 2040s recognition that the population of Rockville alone is expected to grow by almost 20,000 people between 2020 and 2040. To this end, the Vision 2040 Plan recommends allowing more diversification in the land use pattern to meet the increasing need for residences in Rockville.

The Vision 2040 Plan's Land Use Policy Map designates the Property as ORRM, Office Residential Retail Mix. As the Vision 2040 Plan provides, the mixed use categories are intended to be "inclusive and flexible." The ORRM designation is described as "the most flexible category allowing property owners a wide choice in mixing office, retail and residential uses." The draft Plan provides that retail frontage may be required where mapped. The draft Land Use

Policy Map designates portions of the West Gude Drive and Research Boulevard frontages as retail. The Applicant is very concerned about this designation for the following reasons:

1. As the Project Plan Amendment indicates, a 50 foot wide easement to accommodate the Transcontinental Gas pipeline runs across the northern portion of the Property, precluding any development over the pipeline easement. As a result, it is not possible to provide retail uses (let alone any other type of use) along the West Gude Drive frontage.

2. Even in the best locations (e.g. Rockville Pike or downtown Bethesda) accommodating viable sustainable retail uses has become increasingly difficult in the age of internet retail. This challenge is only exacerbated in “one off” areas such as the Property that lack a critical mass of other retail and, have limited foot traffic. Where retail is viable, developers will most always opt to provide it. However, in questionable locations, the requirement to provide retail often results in vacant ground floor space, which is detrimental to the Project as well as the surrounding area.

It is the Applicant’s intent to further explain to the Planning Commission in connection with its review of the Planning Areas and to the Mayor and Council during its review of the overall Vision 2040 Plan why requiring retail uses in this location is not appropriate. Importantly, the ORRM designation does not mandate mixed use, but instead provides for the ability to provide a mix of uses.

V. COMPLIANCE WITH MXE DEVELOPMENT STANDARDS

The project complies with the development standards set forth in Section 25.13.05, as described below.

A. Subsection 25.13.05b(1)

The Project complies with the applicable development standards for the MXE Zone set forth in Section 25.13.05.b:

	Required/Permitted	Proposed
Maximum Height (in feet)	120'	100'
Total Open Area Required	20%	20%
Public Use Space Required w/in Open Area	5%	5%

	Required/Permitted	Proposed
Minimum width at frontline	10'	10'
Setbacks Abutting Public Right-of-Way	None, 10' min. if provided	25' from Research Blvd.* 350' from W. Gude Drive *
Side Setback Abutting Residential	25' or 1/2 height of building, whichever is greater	N/A
Side Setback Abutting Non-Residential Land	None; 10' min. if provided	199' on south side *
Rear Setback Abutting Residential	25' or 1/2 height of building, whichever is greater	N/A
Rear Setback Abutting Non-Residential Land	None; 10' min. if provided	37' *

* Subject to change at Site Plan

B. Subsection 25.13.05c – Other Standards and Requirements for New Development

Summary of Applicable Requirements	Proposed
MPDUs – Residential development must comply with MPDU requirements	Project will comply with the MPDU requirement of City Code Section 13.5
Public Use Space – must be provided consistent with Section 25.17.01	Public Use Space consistent with Section 25.17.01 will be provided.

C. Subsection 25.13.06 - Additional Design Guidelines

1. Architectural and Visual Character for all Zones

The Project’s design provides visual interest. The building concept includes three east-west oriented residential bars, each anchored by a corner element. The east-west bars are tied together by the residential “connectors” running north-south. The result is a diffusion of the building mass, with generous courtyards in both the front and back of the building. The majority of each façade is glass with other building materials including brick veneer and metal and

Attachment 2.2.B: Applicant Justification Statement (2981 : Briefing - Key West Center at Falls Grove PJT2020-00012)

cementitious panels, consistent with the design guidelines. The entry way of the building along its northern façade will be improved with a porte cochère.

All mechanical equipment will be screened and there will be no prohibited items facing the street.

2. Site Design and Relationship to Surrounding Community Façade and exterior walls.

Access to the Property will be provided from two driveways on Research Boulevard that are aligned with the entrances across the street. The entrance locations will provide for convenient access to both the structured and surface parking. Generous landscaping will be provided around the surface parking area to screen the parking from Research Boulevard.

The Project includes the construction of a shared use path along the Research Boulevard frontage of the Property that ties into the Carl Henn Millennial Trail along the West Gude Drive frontage of the Property and a sidewalk to the south.

D. Subsection 25.13.07.c – Special Design Regulations for MXE Zone

1. Building location – The Comprehensive Plan does not recommend a building location. The building is located 25 feet from the front Property line along Research Boulevard.

2. Uses by Floor – The building is devoted exclusively to residential use. The ground floor will contain a lobby, and residential amenities.

3. Façade – The building is 70'-85' feet tall along the front line. The first floor as it meets the grade is composed of durable brick masonry in a variety of colors to add interest and scale for the pedestrian. The footprint of the building also varies to break up the massing and reinforce the architectural tower elements facing the street. Brick coursing details will also be added for an additional layer of human scaled detail.

4. Sidewalks – The sidewalk/shared use path will comply with Section 25.17.05 and will provide a seven-foot wide planting area, a ten-foot wide shared use path and a one-foot wide amenity/safety area.

5. Parking – Parking will be provide in accordance with Article 16 of the Zoning Ordinance and will be relocated along the side or rear. The majority of the parking will be located in structured parking.

Attachment 2.2.B: Applicant Justification Statement (2981 : Briefing - Key West Center at Falls Grove PJT2020-00012)

VI. ADEQUATE PUBLIC FACILITIES

The Applicant's analysis indicates that there are adequate public facilities with respect to transportation, schools, fire and rescue, and water and sewer to accommodate the proposed Project.

The Project is located in the Richard Montgomery High School cluster and the Julius West Middle School and Ritchie Park Elementary School districts. Based on 350 residential units, the Project is projected to generate 10 High School students, 8 middle school students and 18 elementary school students. In accordance with the FY20 Annual Schools Test, as well as the preliminary FY21 Annual School Test, there is sufficient school capacity to accommodate the Project.

In terms of transportation the previously approved development for general office was projected to generate 227 AM trips and 234 PM trips. The proposed residential will generate significantly less trips, with 117 AM trips and 147 PM trips. An on-site transportation analysis is submitted as part of the Site Plan application.

The traffic mitigation improvements required by in CPD99-0004 were constructed many years ago in connection with the Falls Grove buildout.

VII. COMMUNITY OUTREACH

The Applicant held a Pre-Application Meeting ("PAM") on July 29, 2019. Only one couple attended the meeting. Details of the meeting were submitted in connection with the PAM application.

VIII. PDP/PROJECT PLAN STANDARDS

In accordance with Zoning Ordinance Section 25.14.07.d.4.e.2, any amendments to a Planned Development Governing Documents requires the approval of a Project Plan Amendment.

The Project satisfies the required findings for Project Plans set forth in Section 25.07.01, as follows:

The Project will not:

- (a) *Adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use.*

The Project will introduce a residential building into an area that is almost exclusively developed with office buildings, introducing the concept of “live where you work” to this area of Rockville. The building will not adversely affect the employees in the neighborhood of the Project.

(b) *Be in conflict with the Plan.*

As discussed in Section IV the Project complies with the approved City Comprehensive Plan.

(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.*

As found in the original PDP, water and sewer service are available and sufficient. In addition, there is school capacity to accommodate the anticipated number of students that the Project will generate. As noted above, the proposed residential use generates significantly less traffic than the previously approved office use on the Property.

(d) *Constitute a violation of any provision of this Code or other applicable law.*

The Project will comply with all applicable provisions of the Zoning Ordinance and all other applicable laws.

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

The Project will in no way adversely affect the natural resources or environment. The Project will be providing on-site stormwater management including micro bio-retention areas and planters. The overall forest conservation requirements for Falls Grove, and hence the forest conservation requirements for the Property, have been met and include 5,762.8 square feet of forest conservation easement located in the southern portion of the Property.

IX. CONCLUSION

The Project Plan Amendment provides the opportunity to develop the longstanding vacant parcel into viable and desirable residential uses that address the growing population in Rockville. The residential uses in this location help to create a mixed use corridor along that portion of Research Boulevard between West Montgomery Avenue to the south and West Gude Drive to the north. As discussed herein, the Project meets the requirements of the Project Plan Amendment, and we respectfully request that the Mayor and Council approve this application.



DEWBERRY ENGINEERS INC.
2101 GAITHER RD.
SUITE 340
ROCKVILLE, MD 20852
PH: 301.948.8300
www.dewberry.com

APPLICANT / DEVELOPER

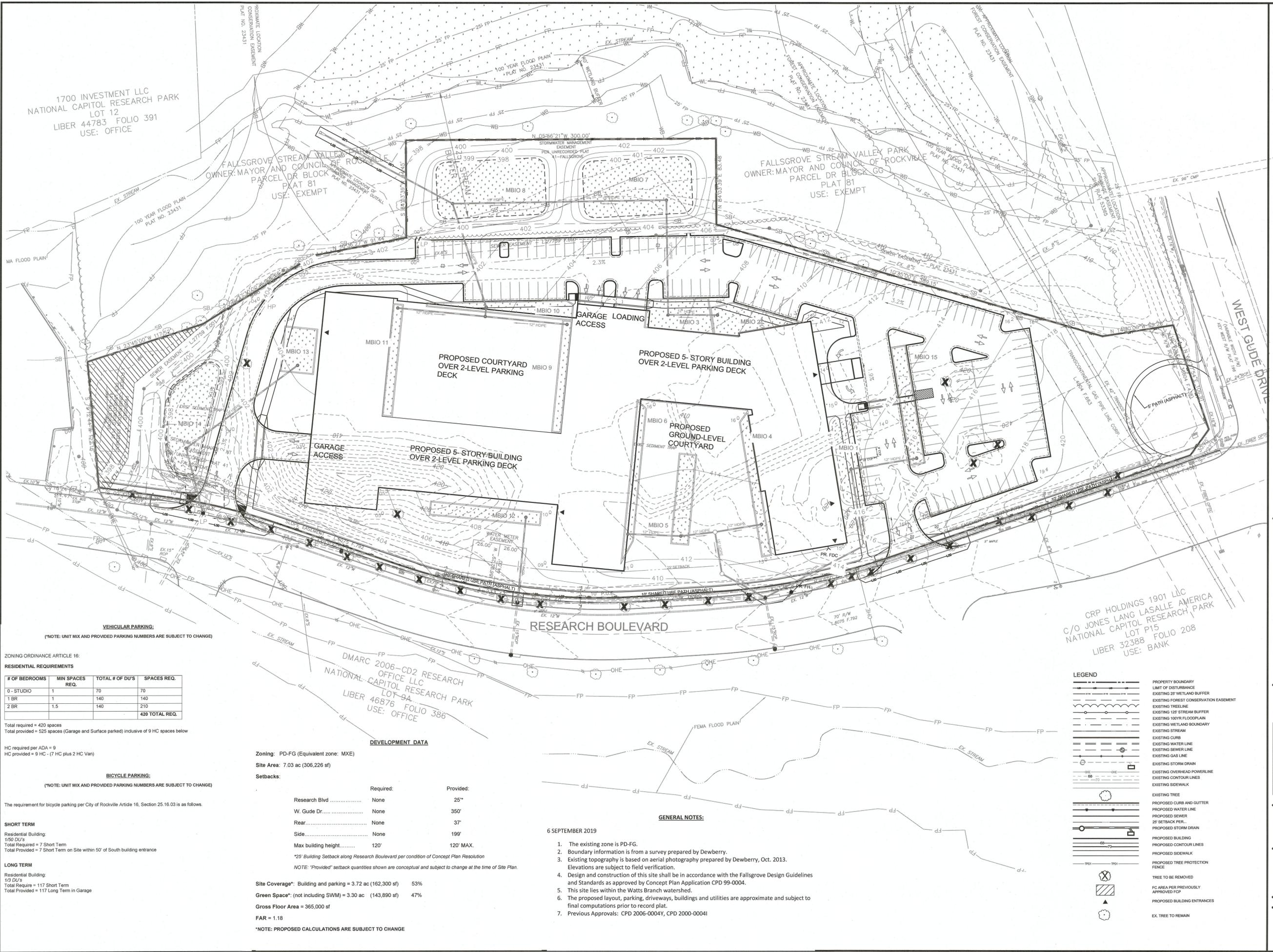
LERNER
2000 TOWER OAKS BOULEVARD
EIGHTH FLOOR
ROCKVILLE, MD 20852
PH: 301.692.2375

**KEY WEST AT FALLSGROVE
RESEARCH BOULEVARD, ROCKVILLE, MD 20852**

**LERNER COPRATON
2000 TOWER OAKS BOULEVARD, ROCKVILLE, MD 20852**

PARCEL 37 & 39 L17906, F.0211 & L178920, F.470 WSSC GRID 220NW09
CITY OF ROCKVILLE, MARYLAND
4TH ELECTION DISTRICT

Attachment 2.2.C: Concept Site Plan (2881) : Briefing - Key West Center at Falls Grove PJ72020-00012



CRP HOLDINGS 1901 LLC
C/O JONES LANG LASALLE AMERICA
NATIONAL CAPITOL RESEARCH PARK
LOT P15
LIBER 32388 FOLIO 208
USE: BANK

VEHICULAR PARKING:
(NOTE: UNIT MIX AND PROVIDED PARKING NUMBERS ARE SUBJECT TO CHANGE)

ZONING ORDINANCE ARTICLE 16:
RESIDENTIAL REQUIREMENTS

# OF BEDROOMS	MIN SPACES REQ.	TOTAL # OF DU'S	SPACES REQ.
0 - STUDIO	1	70	70
1 BR	1	140	140
2 BR	1.5	140	210
			420 TOTAL REQ.

Total required = 420 spaces
Total provided = 525 spaces (Garage and Surface parked) inclusive of 9 HC spaces below

HC required per ADA = 9
HC provided = 9 HC - (7 HC plus 2 HC Van)

BICYCLE PARKING:
(NOTE: UNIT MIX AND PROVIDED PARKING NUMBERS ARE SUBJECT TO CHANGE)

The requirement for bicycle parking per City of Rockville Article 16, Section 25.16.03 is as follows.

SHORT TERM
Residential Building:
1/50 DU's
Total Required = 7 Short Term
Total Provided = 7 Short Term on Site within 50' of South building entrance

LONG TERM
Residential Building:
1/3 DU's
Total Required = 117 Short Term
Total Provided = 117 Long Term in Garage

DEVELOPMENT DATA
Zoning: PD-FG (Equivalent zone: MXE)
Site Area: 7.03 ac (306,226 sf)
Setbacks:

	Required:	Provided:
Research Blvd	None	25'
W. Gude Dr.	None	350'
Rear	None	37'
Side	None	19'
Max building height	120'	120' MAX.

*25' Building Setback along Research Boulevard per condition of Concept Plan Resolution
NOTE: "Provided" setback quantities shown are conceptual and subject to change at the time of Site Plan.

Site Coverage*: Building and parking = 3.72 ac (162,300 sf) 53%
Green Space*: (not including SWM) = 3.30 ac (143,890 sf) 47%
Gross Floor Area = 365,000 sf
FAR = 1.18
*NOTE: PROPOSED CALCULATIONS ARE SUBJECT TO CHANGE

- GENERAL NOTES:**
- The existing zone is PD-FG.
 - Boundary information is from a survey prepared by Dewberry.
 - Existing topography is based on aerial photography prepared by Dewberry, Oct. 2013. Elevations are subject to field verification.
 - Design and construction of this site shall be in accordance with the Falls Grove Design Guidelines and Standards as approved by Concept Plan Application CPD 99-0004.
 - This site lies within the Watts Branch watershed.
 - The proposed layout, parking, driveways, buildings and utilities are approximate and subject to final computations prior to record plat.
 - Previous Approvals: CPD 2006-0004Y, CPD 2000-0004I

LEGEND

- PROPERTY BOUNDARY
- LIMIT OF DISTURBANCE
- EXISTING 25' WETLAND BUFFER
- EXISTING FOREST CONSERVATION EASEMENT
- EXISTING TREELINE
- EXISTING 125' STREAM BUFFER
- EXISTING 100YR FLOODPLAIN
- EXISTING WETLAND BOUNDARY
- EXISTING STREAM
- EXISTING CURB
- EXISTING WATER LINE
- EXISTING SEWER LINE
- EXISTING GAS LINE
- EXISTING STORM DRAIN
- EXISTING OVERHEAD POWERLINE
- EXISTING CONTOUR LINES
- EXISTING SIDEWALK
- EXISTING TREE
- PROPOSED CURB AND GUTTER
- PROPOSED WATER LINE
- PROPOSED SEWER
- 25' SETBACK PER...
- PROPOSED STORM DRAIN
- PROPOSED BUILDING
- PROPOSED CONTOUR LINES
- PROPOSED SIDEWALK
- PROPOSED TREE PROTECTION FENCE
- TREE TO BE REMOVED
- FC AREA PER PREVIOUSLY APPROVED FCP
- PROPOSED BUILDING ENTRANCES
- EX. TREE TO REMAIN

SEAL
PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND.
LICENSE NO. 3108
EXPIRATION DATE: 10.03.20

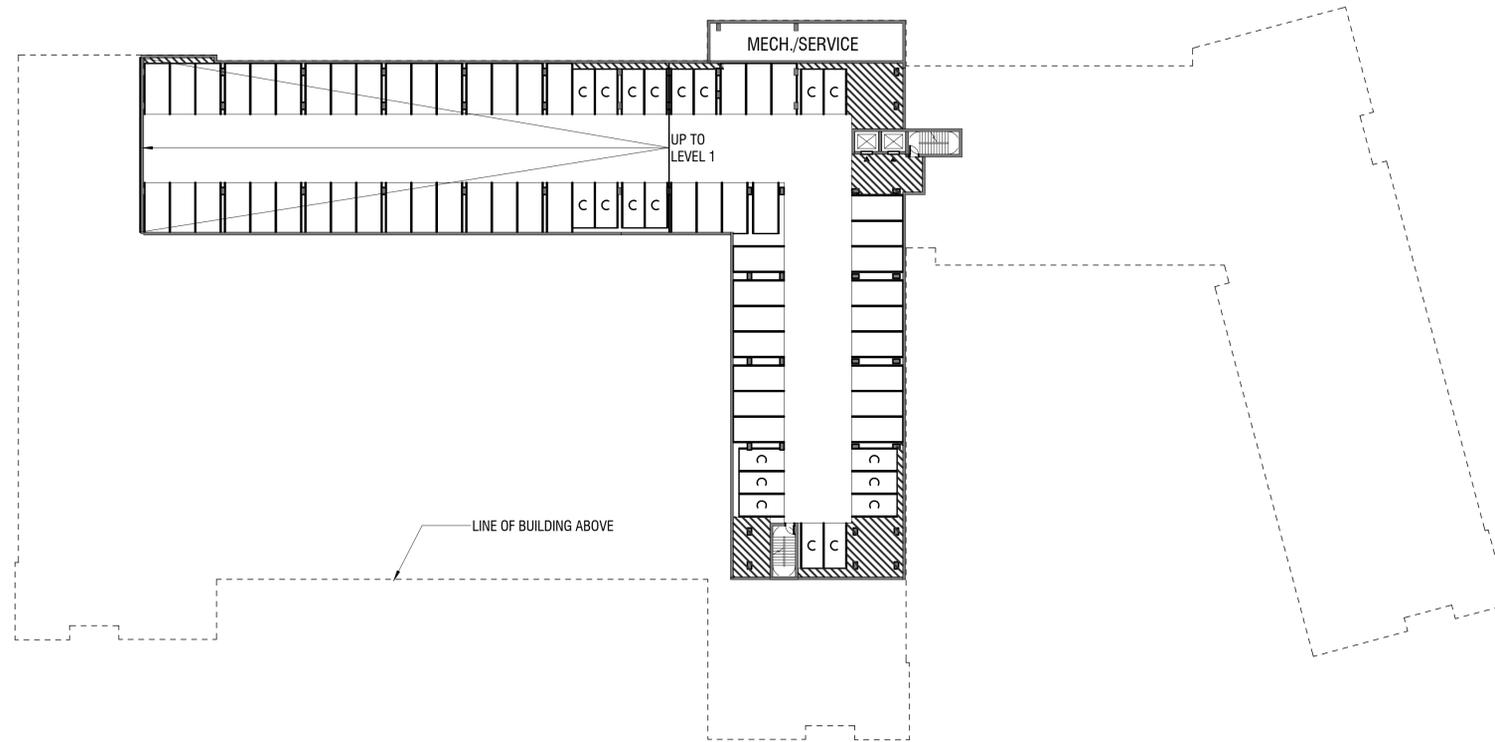


SCALE
0' 20' 40' 80'

No.	DATE	BY	Description
1	1.10.2020	DV	1st Project Plan Submission

REVISIONS
DRAWN BY: DMV
APPROVED BY: MLB
CHECKED BY: MLB
DATE: 1/10/2020

TITLE
CONCEPT SITE DEVELOPMENT PLAN
PROJECT NO. 50116243




GARAGE LEVEL 1 PLAN
 1" = 30'-0"

DESIGN COLLECTIVE

ARCHITECTURE, PLANNING, INTERIORS
 WWW.DESIGNCOLLECTIVE.COM
 601 EAST PRATT STREET, SUITE 300
 BALTIMORE, MARYLAND 21202
 T: 410.685.6655 F: 410.539.6242

DESIGN COLLECTIVE, INC. ALL RIGHTS RESERVED

ISSUED FOR	DATE
PROJECT PLAN	01/10/2020

CONSULTANT

OWNER / DEVELOPER
LERNER

PROJECT NAME
KEY WEST

PROJECT ADDRESS

PROJECT MANAGEMENT

DCI Project No.
Owner Project No.

Drawn By: NA Checked By:

SEAL

SHEET TITLE
BASEMENT PLAN

SCALE
1" = 30'-0"

SHEET NUMBER

A2.0

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ISSUED FOR	DATE
PROJECT PLAN	01/10/2020

CONSULTANT

OWNER / DEVELOPER
LERNER

PROJECT NAME
KEY WEST

PROJECT ADDRESS

PROJECT MANAGEMENT

DCI Project No.
Owner Project No.

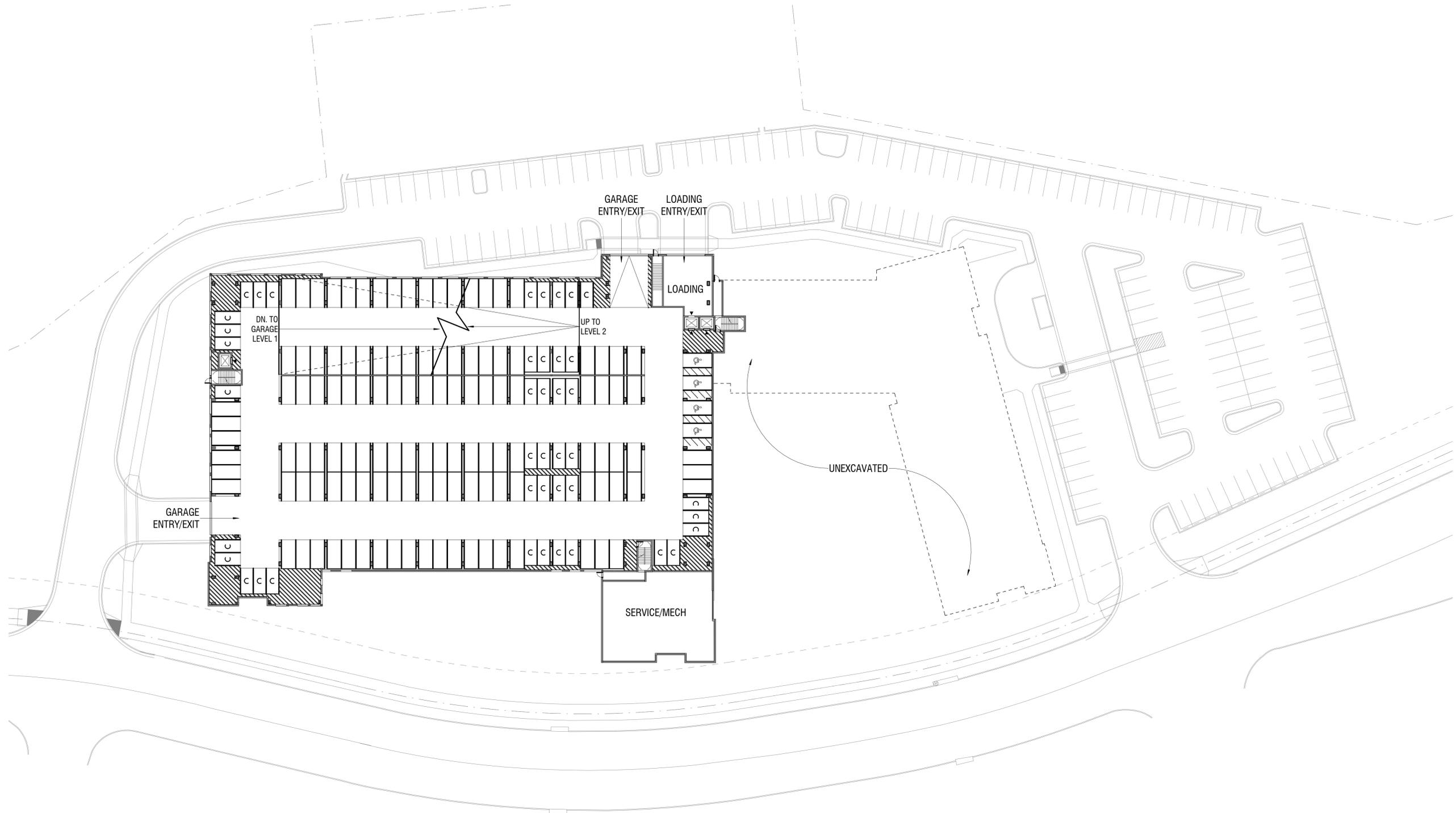
Drawn By: NA Checked By:

SEAL

SHEET TITLE
LEVEL 1 PLAN

SCALE
1" = 30'-0"
SHEET NUMBER

A2.1



LEVEL 1 PLAN
1" = 30'-0"

Attachment 2.2.D: Concept Building Elevations and Floor Plans (2981 - Briefing - Key West Center at Fallsgrove PJ2020-00012)

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ISSUED FOR	DATE
PROJECT PLAN	01/10/2020

CONSULTANT

OWNER / DEVELOPER

LERNER

PROJECT NAME

KEY WEST

PROJECT ADDRESS

PROJECT MANAGEMENT

DCI Project No.

Owner Project No.

Drawn By: NA

Checked By:

SEAL

SHEET TITLE

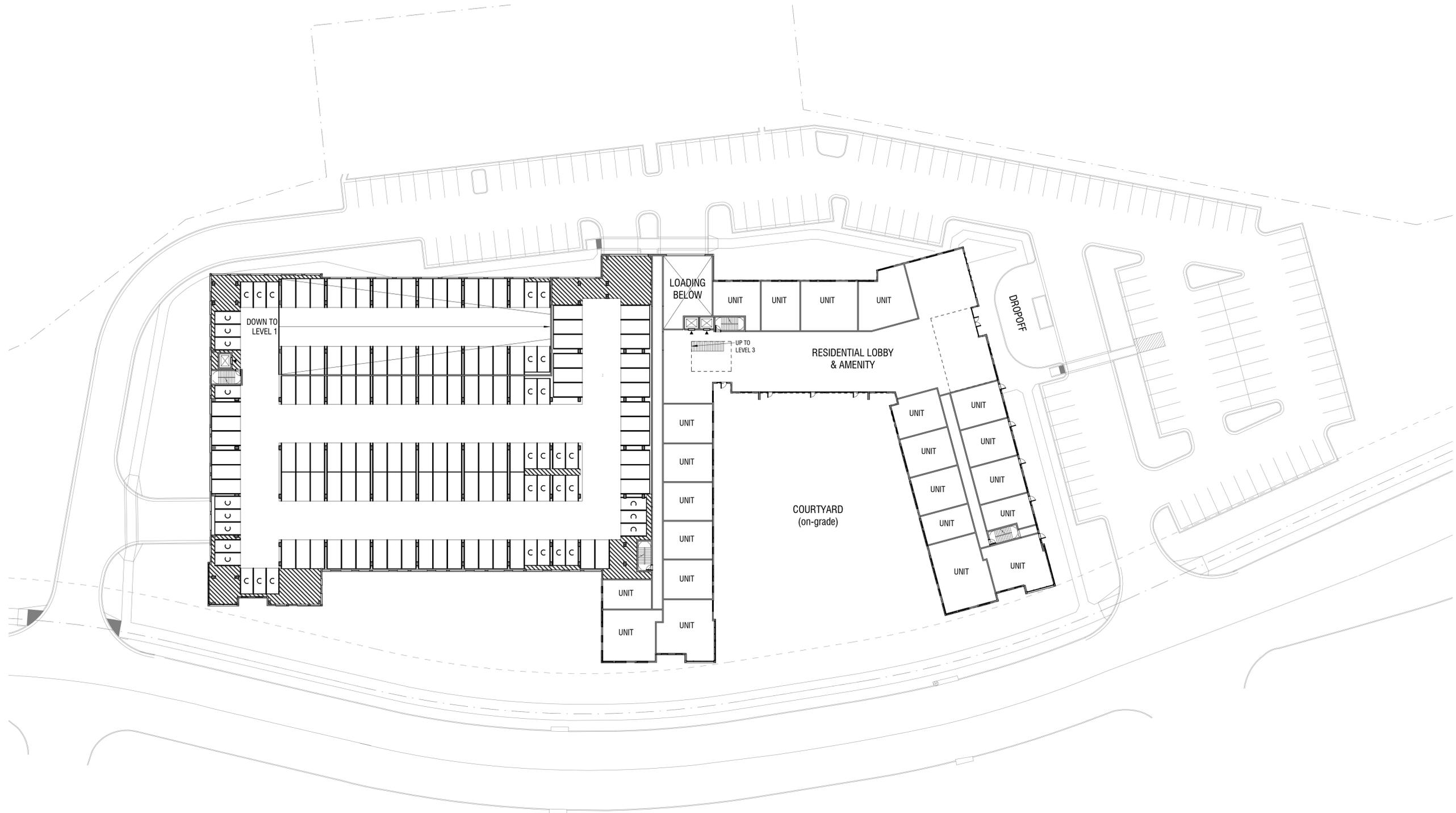
LEVEL 2 PLAN

SCALE

1" = 30'-0"

SHEET NUMBER

A2.2



1 LEVEL 2 PLAN
ACQ422 1" = 30'-0"

Attachment 2.2.D: Concept Building Elevations and Floor Plans (2981 - Briefing - Key West Center at Fallsgrove PJ2020-00012)

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ISSUED FOR	DATE
PROJECT PLAN	01/10/2020

CONSULTANT

OWNER / DEVELOPER
LERNER

PROJECT NAME
KEY WEST

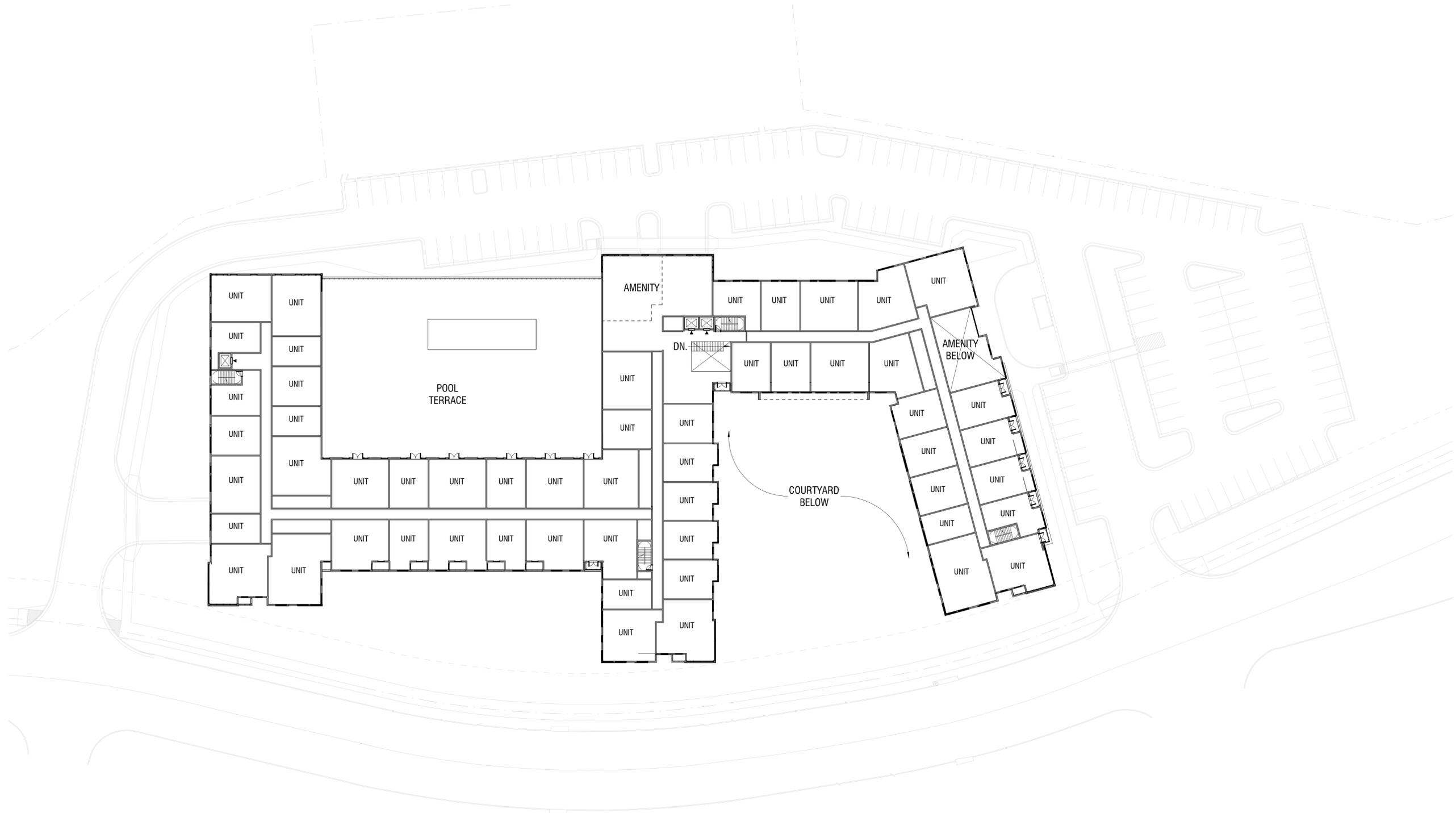
PROJECT ADDRESS

PROJECT MANAGEMENT
DCI Project No.
Owner Project No.
Drawn By: NA Checked By:
SEAL

SHEET TITLE
LEVEL 3 PLAN

SCALE
1" = 30'-0"
SHEET NUMBER

A2.3



1 Level 3
1" = 30'-0"

Attachment 2.2.D: Concept Building Elevations and Floor Plans (2981 - Briefing - Key West Center at Fallsgrove PJ2020-00012)

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ISSUED FOR	DATE
PROJECT PLAN	01/10/2020

CONSULTANT

OWNER / DEVELOPER

LERNER

PROJECT NAME

KEY WEST

PROJECT ADDRESS

PROJECT MANAGEMENT

DCI Project No.

Owner Project No.

Drawn By: NA

Checked By:

SEAL

SHEET TITLE

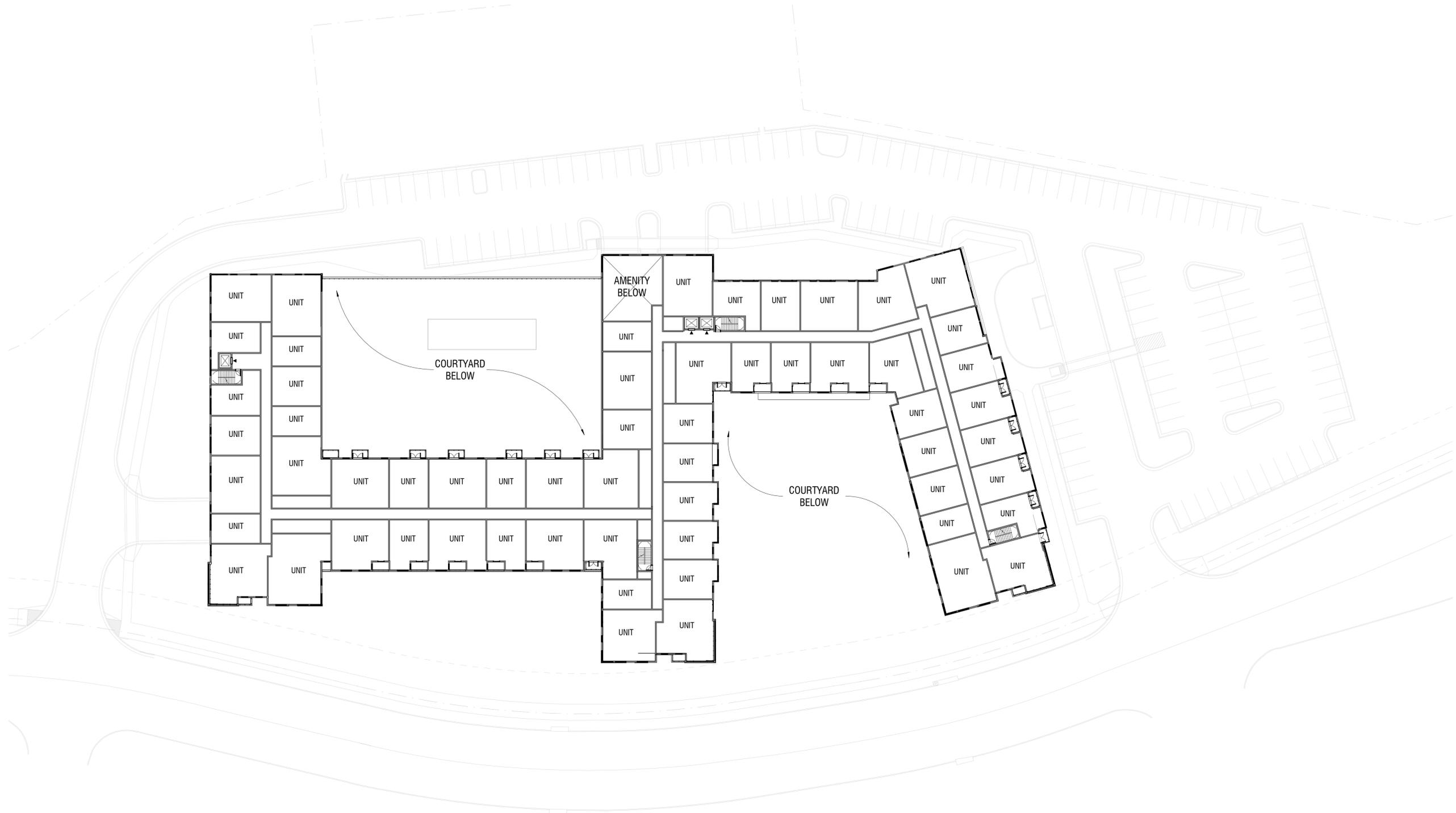
LEVEL 4 PLAN

SCALE

1" = 30'-0"

SHEET NUMBER

A2.4



1 LEVEL 4 PLAN
A2.4 1" = 30'-0"

Attachment 2.2.D: Concept Building Elevations and Floor Plans (2981 - Briefing - Key West Center at Fallsgrove PJ2020-00012)

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ISSUED FOR	DATE
PROJECT PLAN	01/10/2020

CONSULTANT

OWNER / DEVELOPER
LERNER

PROJECT NAME
KEY WEST

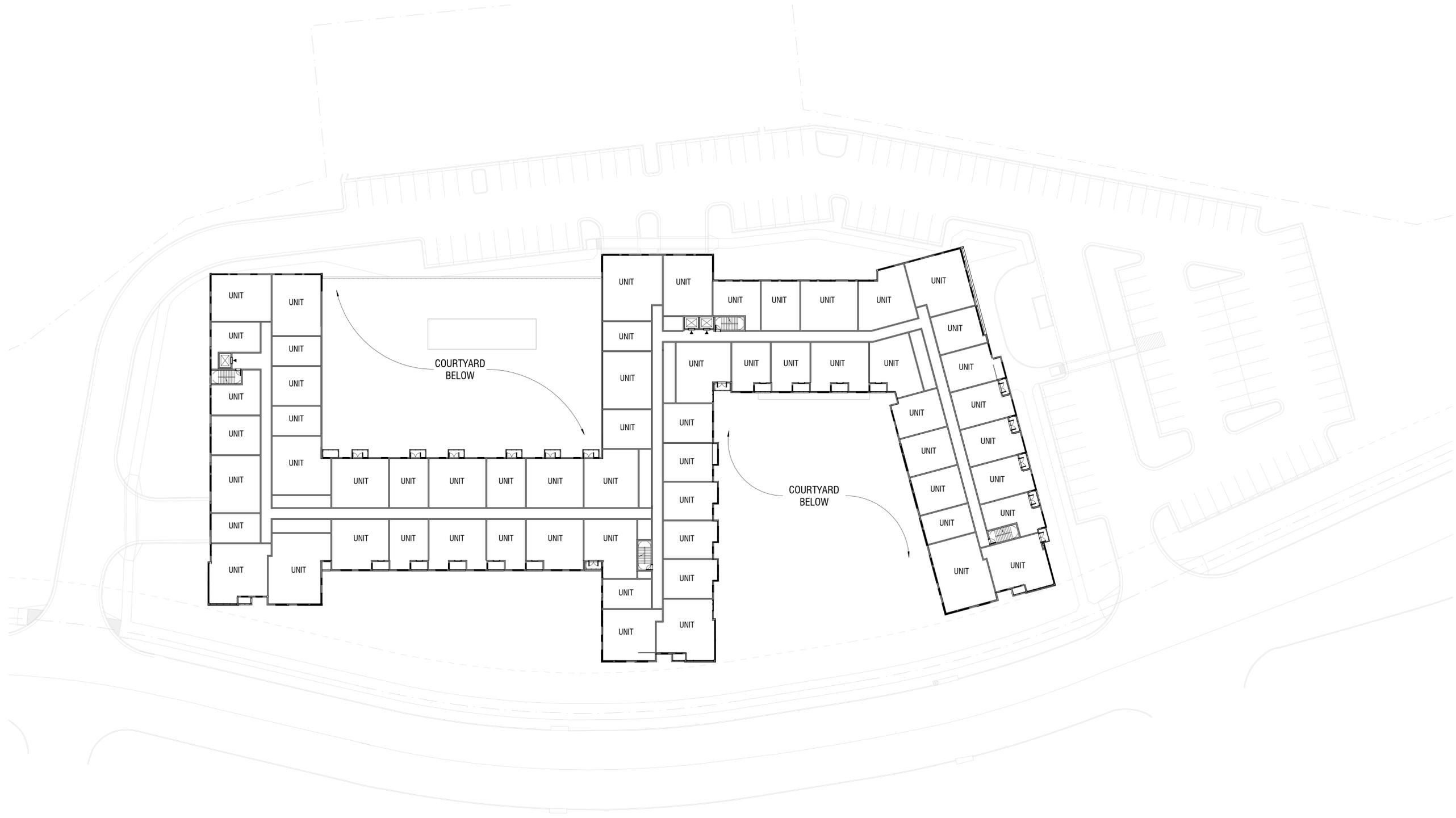
PROJECT ADDRESS

PROJECT MANAGEMENT
DCI Project No.
Owner Project No.
Drawn By: NA Checked By:
SEAL

SHEET TITLE
LEVEL 5-7 PLAN

SCALE
1" = 30'-0"

SHEET NUMBER
A2.5



LEVEL 5-7 PLAN
1" = 30'-0"

Attachment 2.2.D: Concept Building Elevations and Floor Plans (2981 - Briefing - Key West Center at Fallsgrove PJ2020-00012)



1
A4.0
EAST ELEVATION
1" = 20'-0"



2
A4.1
NORTH ELEVATION
1" = 20'-0"



3
A4.0
WEST ELEVATION
1" = 20'-0"



4
A4.0
SOUTH ELEVATION
1" = 20'-0"

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PROJECT PLAN	01/10/2020

CONSULTANT

OWNER / DEVELOPER
LERNER

PROJECT NAME
KEY WEST

PROJECT ADDRESS

PROJECT MANAGEMENT
DCI Project No.
Owner Project No.
Drawn By: NA Checked By:
SEAL

SHEET TITLE
BUILDING ELEVATIONS

SCALE
1" = 20'-0"

SHEET NUMBER
A4.0



Agenda Item #:	<u>1</u>
Meeting Date:	<u>April 8, 2020</u>
Responsible Staff:	<u>Jim Wasilak</u>

SUBJECT:

Recommendation to Mayor and Council on Zoning Text Amendment TXT2020-00256, to Amend Section 25.21.21 of the Zoning Ordinance to Modify the Tree Planting Requirements for New Residential Lots Containing Townhouses, Duplexes and Other Attached Units; Mayor and Council of Rockville, Applicants

RECOMMENDATION

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

Staff recommends that the Planning Commission consider the staff recommendation and formulate a recommendation to the Mayor and Council.



Overview

Case: Zoning Text Amendment TXT2020-00256

Location: Citywide

Staff: Jim Wasilak
Zoning and Development
240-314-8211
jwasilak@rockvillemd.gov

Applicant: Mayor and Council of Rockville

Filing Date: February 19, 2020

Background

The proposed Zoning Text Amendment is a result of an internal review of recent development applications that contain townhouse units, as well as a lack of clarity related to existing requirements for tree planting on residential lots. The current Zoning Ordinance requirement in Section 25.21.21, Tree Planting, requires that the subdivider plant a minimum of one tree in the front yard and two trees in the rear yard of every residential lot. The code section does not distinguish among types of residential lots, so this section has been applied to single unit detached as well as attached (townhouse) lots as part of the subdivision process.

The requirement for tree planting on residential lots has been in the Zoning Ordinance since at least 1980. At the time, the intent of the requirement was to provide tree canopy within newly-developed residential neighborhoods, which were in addition to the requirements for street tree planting (one tree per 40 feet of frontage). The requirements of the Forest and Tree

Preservation Ordinance (FTPO) became effective upon adoption in 1992, which significantly added to the tree planting requirements of residential subdivisions.

In practice, new lots containing single unit detached dwellings can easily accommodate this requirement, while it is difficult for townhouse lot developers to meet this requirement on individual lots, as most townhouse lots are not large enough to support three trees and the space required for them to thrive. Most townhouse lots do not have enough space for large trees to meet their full canopy size without interfering with the residence or possibly adjacent street trees, potentially leading to severe pruning of limbs as the tree matures. As an alternative, developments containing townhouse lots have been granted waivers of this requirement at the time of subdivision in order to provide these trees in the aggregate and not within the residential lots themselves, but within the boundaries of the project. This has permitted the total amount of required trees per lot to be provided within each development, but not necessarily on individual townhouse lots.

Note that waivers of requirements of the subdivision regulations (Article 21 of the Zoning Ordinance) are granted by the Planning Commission, if the Commission finds that undue hardship will result from strict compliance with the requirement, such that the public health, safety, aesthetics and general welfare will be protected, and the waiver will not be contrary to the intent and purpose of the Plan and the Zoning Ordinance.

Staff has found that the urban style of townhouse lots/units that are now proposed and developed in Rockville have even less lot area to plant trees than townhouse lots developed years before. With the current requirement, developers of projects such as the Shady Grove Neighborhood Center must request a waiver of this requirement of subdivision for tree planting, as it is not possible to meet this requirement on the individual townhouse lots. Staff notes that one of the Mayor and Council's conditions of approval for the Shady Grove Neighborhood Center project plan supported a reduction of the trees per lot requirement from 3 to 1.5 trees per lot in the aggregate, including trees required by the FTPO, within the entire project.

Other Jurisdictions

Staff surveyed other local jurisdictions for a similar requirement for townhouse lots, including Montgomery, Howard, Anne Arundel, Frederick and Prince George's counties, the cities of Annapolis, Frederick, Gaithersburg and Laurel in Maryland, as well as Arlington, Fairfax and Prince William counties and the city of Alexandria in Virginia.

Some of these jurisdictions have no minimum tree planting requirement of any type for newly-subdivided residential lots, including Montgomery County, Frederick County, Gaithersburg and Annapolis. Jurisdictions with a tree-per-lot requirement include that requirement in an adopted landscape manual, rather than within the Zoning Ordinance. Those jurisdictions with zoning standards for tree planting in townhouse developments are as follows:

- Howard County requires one shade tree per townhouse unit, but allows the trees to be located on residential lots or on open space lots or other on-site locations. Small deciduous or evergreen trees may be substituted for shade trees at a 2:1 ratio for up to 50% of the shade trees required. Requirements for the City of Laurel mirror these.
- Prince George's County requires 1.5 shade trees per dwelling and 1 ornamental or evergreen tree per dwelling. Trees may be located on the residential lots or on common open space lots.
- Anne Arundel County requires 2 shade trees per dwelling, but allows the trees to be planted on individual lots or on common area. Small deciduous or evergreen trees may be substituted for shade trees at a ratio of 2:1 for up to 1/3 of the shade trees.
- The City of Frederick requires that one tree be planted on a lot for each 3,000 square feet of lot area, or part of lot, in excess of 1,000 square feet.

Staff also looked at other jurisdictions around the country. While most do not have a tree planting requirement for townhouse lots, some have a tree planting requirement for residential lots that is based on the existing lot area. This type of requirement is most commonly found in Florida and other states with significant sunshine where the primary intent appears to be ensuring an adequate amount of shade is distributed across the lot. Staff found jurisdictions that require one tree to be planted for lots less than 5,000 square feet, which would be relevant to the City of Rockville, as the vast majority of lots accommodating townhouses in the city are below 5,000 square feet. Staff conducted an analysis of townhouse lot areas within the city and found lot sizes ranging from 833 square feet to 5,778 square feet. The average lot size for a typical townhouse unit in the city is approximately 1,950 square feet.

Options Considered:

Staff developed three options for the Mayor and Council's consideration:

1. *Delete the requirement for planting trees on residential lots containing townhouse, attached and semi-detached units, and retain the requirement for single-unit detached lots.* While this would put the City in line with many other jurisdictions, tree cover in neighborhoods is a hallmark of city neighborhoods that should be retained, in staff's opinion. Limiting tree cover to street trees and trees required by the Forest and Tree Preservation Ordinance (FTPO), which are necessarily in common areas or public parks, would not afford the distribution of trees throughout the neighborhood intended by the trees-per-lot requirement.
2. *Reduce the tree planting requirement to one (1) tree per lot for residential lots containing townhouse, attached and semi-detached units, and retain the existing requirement for single-unit detached lots.* This requirement would achieve additional tree cover within residential townhouse lots primarily with ornamental trees, in addition to street trees and trees required by the FTPO, which would primarily be shade trees. It would include flexibility to allow for the trees to be planted in either the front or rear

yard of such lots, but not outside of the residential lots. This would result in fewer subdivision waivers for tree planting, but would still allow for the granting of subdivision waivers if a hardship can be determined. In addition, this requirement would be more in line with the number of trees per lot supported by the Mayor and Council for the Shady Grove Neighborhood Center project plan, which has yielded less than one tree per lot on the individual townhouse lots while providing 1.5 trees in the aggregate within the first phase of the project, currently under review.

3. *Retain the existing requirement of three trees per townhouse lot, but build flexibility into the code to allow for tree planting not within the townhouse lots.* Currently, a subdivision waiver is required to reduce the three trees-per-lot requirement, and to plant those trees outside of the residential lots. This option would allow for the planting of trees outside the residential townhouse lots as a matter of right rather than requiring a subdivision waiver, and would add location flexibility by allowing trees to be provided outside of the townhouse lots. This still recognizes that it is difficult for townhouse builders within a dense, urban community to achieve three trees on the actual lots, given the small lot areas of townhouse and other attached units.

Text Amendment as Authorized

On January 13, 2020, the Mayor and Council authorized the staff recommendation (Option 2 above) that the tree planting requirement for townhouse, attached and semi-detached units be reduced to one (1) tree per lot from the current requirement of three trees per lot. The requirement for single-unit detached lots would remain at three trees per lot (See Attachment A).

Along with this reduction, the recommended text amendment states that the location of the tree not be specified for the front or rear yard in order to provide flexibility based on the style of townhouse units proposed. The recommended text amendment also specifies the minimum dimensions that are required to support the viability of the trees planted on the residential lots. This area cannot be encumbered by utilities and easements.

Staff finds that providing one tree per lot for townhouse lots is more achievable than three trees per lot, which is more appropriately required for lots with single-unit detached homes. This would allow for less subdivision waivers for tree planting, but would still allow for the granting of waivers if a hardship is determined. In addition, this requirement would be more in line with the number of trees per lot supported by the Mayor and Council for the Shady Grove Neighborhood Center project plan, which has yielded less than one tree per lot on the individual townhouse lots, while providing 1.5 trees in the aggregate.

Text Amendment – As Revised

At the February 26 meeting, the staff presented the draft as authorized by the Mayor and Council to the Planning Commission, who reviewed and discussed it. Based on that discussion,

staff has revised the draft to address the concerns raised, including reduction of tree canopy in residential areas, providing flexibility in certain circumstances and providing for tree canopy in infill developments within or adjacent to residential neighborhoods. The new language as recommended by staff (see Attachment 2) allows an applicant the ability to locate the required trees in common areas or on city-owned property, if the design of the typical lot prohibits placing all three trees on the lot, there is tree canopy in the vicinity of the lots provided through other requirements, and the off-site trees contribute toward tree canopy within the semidetached, attached or townhouse area.

Staff supports this language in that it creates an ordinance standard from which to review a reduction request, rather than subjecting the request to the subdivision waiver request standard. The new language also gives the applicant flexibility in relocating required trees to common areas within the development project. There is past precedent for this in the City and the new language formally makes this option available, provided that the criteria are met.

Staff has also proposed some clarifications to the text amendment. The first clarifies that existing trees to be preserved on single family lots count toward the tree-per-lot requirement. The second clarifies that trees planted to meet the tree-per-lot requirement do not count toward trees that are required by the Forest and Tree Preservation Ordinance (FTPO).

Staff Recommendation

Staff recommends that the Planning Commission recommend approval of the revised version of the text amendment. The language recommended by staff reduces the tree-per-lot requirement in townhouse areas to one that is achievable, offers flexibility within a proposed development application for specific circumstances, but also maintains the status quo of the current Ordinance with a three trees per lot requirement in single family detached areas. This ensures that the overall number of trees proposed and the distribution of trees within a development is consistent with past practice.

Community Outreach

Text amendment applications are sent to all neighborhood associations for review and comment prior to public meetings.

Next Steps

A public hearing by the Mayor and Council will occur subsequent to Planning Commission review and recommendation.

Attachments

- Attachment 3.1.A: Text Amendment as Filed (PDF)
- Attachment 3.1.B: Text Amendment as Recommended by Staff (PDF)

December 23, 2019

ATTACHMENT TO APPLICATION
TO THE CITY OF ROCKVILLE FOR A
TEXT AMENDMENT TO THE ZONING ORDINANCE

Applicant: Mayor and Council of Rockville

The applicant proposes to amend the zoning ordinance adopted on December 15, 2008, and with an effective date of March 16, 2009, by inserting and replacing the following text (underlining indicates text to be added; ~~strikethroughs~~ indicate text to be deleted; * * * indicates text not affected by the proposed amendment). Further amendments may be made following citizen input, Planning Commission review and Mayor and Council review.

Amend Article 21, "Plats and Subdivision Regulations" as follows:

25.21.21 – Tree Planting

- a. The subdivider shall plant at least one (1) street tree per 40 feet of lot frontage within the public right-of-way or if approved by the Approving Authority, adjacent to the public right-of-way. The species, location and method of planting to be approved by the ~~City Forester~~ Chief of Zoning.
- b. Tree Planting on Residential Lots
 1. Single Unit Detached Residential Lots:
 - (a) The subdivider shall plant a minimum of one (1) tree in the front yard and two (2) trees in the rear yard of every residential lot as approved by the ~~City Forester~~ Chief of Zoning.
 2. Semi-detached, Attached, and Townhouse Residential Lots:
 - (a) The subdivider shall plant a minimum of one (1) tree on each lot, supplemented with shrub plantings, as shown on the approved landscape plan.
 - (b) Each lot shall provide a minimum tree planting area of 7 feet in length by 7 feet in width and a minimum 200 cubic foot tree pit for each tree.
 - (c) The tree planting area shall not be encumbered by utilities or easements.
- c. Tree planting must be done in accordance with the provisions of Chapter 10.5 of the City Code, "Forest and Tree Preservation".

* * *

Section 25.21.21 – Tree Planting

- a. The subdivider shall plant at least one (1) street tree per 40 feet of lot frontage within the public right-of-way or if approved by the Approving Authority, adjacent to the public right-of-way. The species, location and method of planting to be approved by the ~~City Forester~~ Chief of Zoning.
- b. Tree Planting on Residential Lots
 1. Single Unit Detached Residential Lots:
 - (a) The subdivider shall plant a minimum of one (1) tree in the front yard and two (2) trees in the rear yard of every residential lot as approved by the ~~City Forester~~ Chief of Zoning. Existing trees on the lot that will be preserved may count toward this requirement.
 2. Semidetached, Attached, and Townhouse Residential Lots:
 - (a) The subdivider shall plant a minimum of one (1) tree on each lot, supplemented with shrub plantings, as shown on the approved landscape plan.
 - (b) Each lot shall provide a minimum tree planting area of 7 feet in length by 7 feet in width and a minimum 200 cubic foot tree pit for each tree.
 - (c) The tree planting area shall not be encumbered by utilities or easements.
 - (d) Modification:
 - i. In approving lots for semidetached, attached, or townhouse dwelling units, the Approving Authority may allow the subdivider to plant some or all of the required trees per lot in a common area or parcel to be dedicated to the City within the proposed development, if the Approving Authority finds:
 - A. The design of the lots makes planting some or all of the required trees on each lot impractical;
 - B. The subdivider has submitted a typical landscape plan for each lot demonstrating the provision of sufficient trees and other plant material on or adjacent to each lot that contribute to the tree canopy and landscaped area within the area of the semidetached, attached or townhouse lots; and
 - C. The trees to be located in a common area or on a parcel to be dedicated to the City contribute to the tree canopy of the semidetached, attached or townhouse area.
- c. Tree planting must be done in accordance with the provisions of Chapter 10.5 of the City Code, “Forest and Tree Preservation”. Trees planted pursuant to this subsection are in addition to trees planted in fulfillment of the requirements of Chapter 10.5.