



# Application for Text Amendment

2011 JAN 12 PM 1:23  
RECEIVED  
COMMUNITY PLANNING  
AND DEVELOPMENT SERVICES

RECEIVED  
JAN 18 2011  
COMMUNITY PLANNING  
AND DEVELOPMENT SERVICES

## City of Rockville

Department of Community Planning and Development Services

111 Maryland Avenue, Rockville, Maryland 20850

Phone: 240-314-8200 • Fax: 240-314-8210 • E-mail: Cpds@rockvillemd.gov • Web site: www.rockvillemd.gov

### Application Information:

Is this an Amendment to Existing Text ?  YES  NO

Add New Zone Classes:  YES  NO      Add New Uses:  YES  NO

Number of new uses: \_\_\_\_\_ Ordinance # \_\_\_\_\_

**Please Print Clearly or Type**

Property Address information \_\_\_\_\_ 15955 Frederick Road

Project Description \_\_\_\_\_ Proposed Multifamily residential

### Applicant Information:

Please supply Name, Address, Phone Number and E-mail Address

Applicant \_\_\_\_\_ Silverwood/Shady Grove, LLC c/o Silverwood Investments, Inc. Rick@Silverwoodinvestments.com  
1925 Isaac Newton Square East, Suite 110 Reston, VA 20190 (703) 777-8322

Property Owner \_\_\_\_\_ Mary J. Gartner, Trustee, 13201 Colton Lane, Gaithersburg, MD 20878  
\_\_\_\_\_ and Reed Brothers, Inc. 15955 Frederick

Architect \_\_\_\_\_ Lessard Architectural Group, 8521 Leesburg Pike Suite 700, Vienna, VA 22182

Engineer \_\_\_\_\_ VIKA, 20251 Century Blvd., Suite 400, Germantown, MD 20874

Attorney \_\_\_\_\_ Robert R. Harris, Holland & Knight, LLP, 3 Bethesda Metro Center, Suite 800, Bethesda, MD 20814  
301-215-6607 Robert.Harris@HKLaw.com

### STAFF USE ONLY

#### Application Acceptance:

Application # TXT2011-00229

Date Accepted \_\_\_\_\_

Staff Contact \_\_\_\_\_

#### Application Intake:

Date Received 1/12/11

Reviewed by \_\_\_\_\_

Date of Checklist Review \_\_\_\_\_

Deemed Complete: Yes  No

Application is hereby made with the Rockville Mayor and Council for Approval of a change in the text of the Zoning and Planning Ordinance of Rockville, Maryland.

Page \_\_\_\_\_ Article 20 Section 25.20.02

FROM: Which reads as follows \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TO: Reads as follows ADD: F. WHEN A PROPERTY IS SUBJECT TO AN ANNEXATION AGREEMENT, ANY PROVISION OF THIS ARTICLE THAT IS CONTRARY TO THE ANNEXATION AGREEMENT SHALL NOT BE APPLICABLE.  
(SEE ATTACHED)

~~SILVERWOOD~~ SHADY GROVE LLC  
By: [Signature] - member  
(Signature of Applicant)

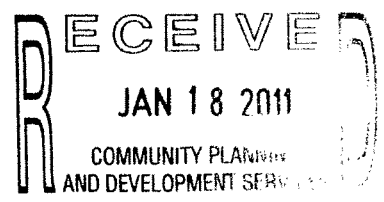
Subscribed and sworn before this 7<sup>th</sup> day of January, 2011

My Commission Expires 11-4-12 Dorothy R Titman

DOROTHY R. TITMAN  
Notary Public-Maryland  
Prince George's County  
My Commission Expires  
November 04, 2012  
Notary Public

The following documents are furnished as part of the application:

- A Complete Application
- Filing Fee



Comments on Submittal: (For Staff Use Only)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- e. Once any development approval or any amendment thereto, that is subject to the provisions of this Chapter, has a valid adequate public facilities determination, an application to implement such development approval is not subject to further adequate public facilities determination, except for water and sewer service, which is confirmed prior to the issuance of a building permit, provided that the adequate public facilities determination and any extension thereof, has not expired.
- f. When a property is subject to an annexation agreement, any provision of this article that is contrary to the annexation agreement shall not be applicable.

**25.20.03 - Adequate Public Facilities Determination: Validity Period; Extension; Redetermination**

a. *Validity Period*

1. *Approvals of Development* - Except as otherwise provided in this Section, 25.20.03, a determination of adequate public facilities made in connection with the approval of any development approval or any amendment thereto, that is subject to the provisions of this Chapter, is timely and remains valid so long as the underlying approval remains valid. If at any time a development approval or any amendment thereto, that is subject to the provisions of this Chapter, becomes void due to lack of implementation or otherwise, the determination of adequate public facilities also becomes void with respect to that portion of the approved project that has not been timely implemented or has otherwise become void. An extension of time granted for the implementation of any development approval or any amendment thereto, automatically extends the validity period for the determination of adequate public facilities.
2. *Approvals of Preliminary Plans* - A determination of adequate public facilities made in connection with the approval of a preliminary plan of subdivision (or final plat of subdivision where a preliminary plan is not required) is timely and remains valid for a period as determined by the Planning Commission at the time of subdivision approval. Where a subdivision plat is approved prior to the approval of a site plan or other development approval by the Approving Authority, the Approving Authority may defer the determination of adequate public facilities until consideration of such site plan or other development approval.
3. *Prior Approvals of Certain Developments* - A determination of adequate public facilities made prior to March 16, 2009 in connection with the approval of the following developments under the zoning regulations in effect at the time remains valid for such period as may have been determined by the Mayor and Council or the Planning Commission, as applicable, at the time of approval: Comprehensive Planned Development, Variable Lot Size Development, Cluster Development, Residential Townhouse Development, Planned Residential Unit Development, 1-3 Optional Method of Development, Preliminary Development Plan, development pursuant to an optional method of development requiring a Preliminary Development Plan.
4. *Considerations in Setting Validity Periods* - In setting the validity period for a determination of adequate public facilities, the Approving Authority must consider the size and complexity of the development, the mix of uses and current and future market projections for the proposed uses, and the required public improvements and/or impact mitigations and the schedule for completion of such improvements and mitigations.

