

Pre-Application Meeting Request for

Level 2 Site Plan

Lidl Food Market and The Henson at Shady Grove Metro

15931 Frederick Road, Rockville, Maryland

Applicant's Project Description and Scope of Work Narrative

April 15, 2021

**Introduction**

Lidl US LLC ("Lidl" or the "Applicant") proposes a mixed-use project consisting of a 30,000-square-foot grocery store and up to 200 units of affordable multi-family housing at 15931 Frederick Road, located at the southeast corner of the intersection of Frederick Road with King Farm Boulevard on the west and the Shady Grove Metro access road on the east, adjacent to the Shady Grove Metro Station parking lot (the "Subject Property"). The Subject Property measures approximately 4.03 acres and is classified in the MXTC (Mixed Use Transit Center) zone. The proposed development will introduce Rockville residents to Lidl, the world's fifth-largest grocery store chain. Lidl is a German company with its U.S. headquarters in Arlington, Virginia. Lidl aims to deliver superior quality products, with a focus on organic produce and meats, at the lowest possible price. Its stores emphasize an efficient, modern layout.

For the residential component of the project, Lidl has partnered with Foundation Housing, an affordable housing developer based in Rockville, Maryland with a 30-year track record developing, owning and operating best-in-class affordable housing communities across the country. Foundation Housing proposes an eight-story multi-family building with up to 200 one-bedroom, two-bedroom, and three-bedroom dwelling units. All units will be affordable, with approximately 20 units affordable to

households with incomes at 30 percent of the area median income (“AMI”), 20 units affordable at 50 percent of AMI, and 160 units affordable at 60 percent of AMI. Residential parking will be provided in two levels of above-ground structured parking.

The proposed project will take advantage of the Subject Property’s location abutting the Shady Grove Metro Station by offering high-density, affordable housing with excellent transit access and by providing a grocery store to serve residents, employees, and passersby in the vicinity.

### **Site History and Existing Conditions**

The Subject Property is bordered by Frederick Road to the west and the Shady Grove Metro access road to the north. To the east, it confronts the Shady Grove Metro Station parking lot across Somerville Drive, a two-lane local road. To the south, the Subject Property abuts properties developed with commercial uses. The Subject Property is currently occupied by a single-story building set back off the road behind a large surface parking lot. Substantially all of the site is paved, with vegetation limited to perimeter landscaping, parking lot islands, and a landscaped area near the building entrance.

In 2012, the Subject Property was annexed into the City of Rockville (“City”) at the property owner’s request. The annexation agreement provided as follows:

- Property to be classified in the MXTC zone.
- Density limited to maximum 458,225 square feet of floor area for a period of five years.
- All uses permitted in the MXTC zone allowed, provided that any required site plan, site plan amendment, or special exception is approved.

In 2016, Level 2 Site Plan STP2016-00267 was approved for the Subject Property. The site plan anticipated a 405-unit multi-family building and associated parking garage, with 15% Moderately Price Dwelling Units (“MPDUs”) and potential ground floor retail. That project was not implemented, and the Subject Property is under contract for sale to Lidl.

### **Project Description**

The proposed project will have a Lidl Food Market located proximate to Frederick Road and the Shady Grove Metro access road, and a multi-family residential building stretching along the entire

Somerville Drive frontage. The Frederick Road frontage will be activated by 12-foot-tall glass windows looking into a busy grocery store, as well as café tables and attractive hardscape and landscaping. Lidl will have a monument sign along Frederick Road, in addition to wall signage. The sidewalk, which is currently located directly adjacent to busy Frederick Road, will be set back and buffered by landscaping. The full property frontage along the Shady Grove Metro access road will be bordered by building facades, with both the Lidl Food Market and the apartment building abutting the access road. The Somerville Drive frontage will be enhanced by a multi-family residential building with extensive fenestration, varied rooflines and façade treatments, and landscaping.

The proposed single-story grocery store will be approximately 25 feet in height. It will be roughly rectangular, with the long side of the rectangle running along the Shady Grove Metro access road and 12-foot-tall windows facing Frederick Road. The main store entrance will be at the southwest corner of the store, close to Frederick Road and easily accessible to pedestrians. Surface parking will be provided to the side of the store, between the store and the southern property line. The grocery store will be bordered by open space with café-like seating, which will be shaded by a canopy wrapping the front corner of the store. The view of the parking lot will be screened by extensive landscaping. The site's entire Frederick Road frontage will be used as public open space, creating a welcoming environment for customers and area pedestrians. Vehicular access to the parking lot will be available at two access points located at the site's existing curb cuts, one on Frederick Road and the other on the Shady Grove Metro access road. Lidl's standard operating procedure includes merchandise delivery once per day via a single truck. The same truck carts away recycling, resulting in an efficient, environmentally friendly process that minimizes visual and noise impacts.

Foundation Housing intends to call the proposed residential building "The Henson at Shady Grove Metro" in honor of Josiah Henson, a former slave who lived in Rockville for over thirty years in the middle of the 19<sup>th</sup> century before escaping to emancipation in Canada. In 1849, Mr. Henson published his autobiography, upon which Harriet Beecher Stowe based her groundbreaking novel

Uncle Tom's Cabin. In the US and Canada, Henson provided technical education to people of African descent, lectured at abolitionist events, and traveled extensively to promote the Dawn Settlement, a community of former enslaved people, and speak against the injustices of slavery. Foundation Housing and Lidl are excited to name this building after such a prominent citizen from Rockville who was able to rise above his humble beginnings and set an international example to all people as an abolitionist, educator, and humanitarian.

The proposed multi-family building will occupy the back portion of the site, stretching from the northern property line to the southern property line along Somerville Drive. The building is proposed with six stories of residential above two stories of parking, designed in a U-shape around a lobby area with open space and a small number of surface parking spaces. Foundation Housing proposes approximately 200 affordable dwelling units, with a mix of one-bedroom, two-bedroom, and three-bedroom apartments. Because the building footprint does not accommodate vehicular ramps, the two levels of parking will have separate entrances, one from the Shady Grove Metro access road and the other via a garage entrance interior to the site. The second-floor garage will have direct access to the sidewalk along the Metro access road and the nearby bus stop. The building will have four ground-floor entrances convenient to pedestrians: two front entrances from the front courtyard and two rear entrances, one leading to a path connecting to the sidewalk on the Metro access road, just steps away from the Metro station, and the other leading to a path connecting to a nearby bus stop on Somerville Drive.

Open space will be provided in the form of landscaped seating areas and sidewalks along Frederick Road, a landscaped area with walking paths, amenities and seating near the residential building lobby, and green space wrapping the north and east sides of the residential building.

#### **Pre-Application Community Meeting**

A pre-application community meeting took place on March 11, 2021, via Webex. Three community members participated in the meeting, as indicated in the submitted minutes.

### **Compliance with Zoning Code Requirements**

The proposed project will be in substantial compliance with all applicable provisions of the Rockville City Code, Chapter 25 (the “Zoning Code”). By creating a grocery store and multi-family building on a major thoroughfare adjacent to a Metro station, the project will promote the purposes of the mixed-use zones to create high-quality neighborhoods that are attractive and pedestrian-oriented; allow for different types of land uses in a compatible neighborhood; encourage the use of public transportation; facilitate bicycle and pedestrian access within the City; and provide for efficient use of land. See Sec. 25.13.01. As shown on the submitted Preliminary Site Plan, the project will satisfy applicable setbacks and minimum lot width. See Sec. 25.13.05.b. The MXTD zone calls for building facades with a range of heights between 45 and 65 feet and specifies that heights up to 120 feet may be allowed. *Id.* The Applicant proposes one building at the front of the site with a height of approximately 25 feet, and a taller building at the rear of the site with a height of approximately 85 feet.

This combination of heights, together with the mix of uses/building types and prominent, 12-foot-tall windows that will activate the Frederick Road frontage, satisfies the intent of the Zoning Code to promote a mix of building heights within a moderate range. Due to its design and prominently located public use space, the grocery store will have a strong presence on Frederick Road. The height of the residential building will balance the grocery store and is readily justified by the shared desire of the Applicant and the City to maximize residential density—and affordable housing—in transit-proximate locations. The eight-story height of the residential building will also be compatible with the seven-story Bainbridge Shady Grove multi-family building located immediately across the Metro access drive.

The open space proposed for this project, currently estimated at 28% of the Lidl portion of the site and 30% overall, will considerably exceed the 15% required under Section 25.13.05.b. The proposed public use space along Frederick Road meets the 10% required in Section 25.13.05.b by providing areas for respite along the site frontage that will be buffered from the busy roadway by substantial landscaping. Public use space is not required in connection with the residential building

pursuant to the exemption for affordable housing projects under Section 27.17.01.e. Nonetheless, on-site open space will be provided on the residential portion of the site to give residents the opportunity for outdoor relaxation while contributing to the beautification of the site for the benefit of site residents, shoppers, pedestrians, and both employees and residents in the surrounding neighborhood.

The proposed project substantially satisfies design guidelines for the mixed-use zones by providing a highly transparent, inviting glass-front building with an easily visible front entrance close to Frederick Road; attractive public use space along a major vehicular and pedestrian thoroughfare; varying building heights and architectural details for visual interest; and building materials and colors that are compatible with adjoining neighborhoods, such as split-face concrete block, brick, cementitious siding and cementitious cladding. See Sec. 25.13.06.

The Applicant seeks a waiver, pursuant to Section 25.17.03.c, of the requirement to place all electrical equipment underground or in an enclosed building. The Applicant seeks approval to install an electrical transformer above ground due to physical impediments created by site conditions. As shown on the submitted concept plan, the transformer is proposed to be located near the rear of the store, next to a generator and alongside the loading area, just around the corner from a dumpster. The transformer will be screened appropriately, in keeping with Section 25.17.03.b.3.

The Zoning Code suggests limiting motor vehicle access in the MXTD zone to arterial, major, or business district roads for the safety and protection of adjacent residential uses. See Sec. 25.13.06.c. This project proposes to continue using the two existing driveway entrances, one on Frederick Road and the other on the Shady Grove Metro access road, as well as a new driveway entrance proposed on the Shady Grove Metro access road. The existing entrance on the access road will become an entrance to the residential garage, while the new driveway entrance will provide a second means of ingress and egress to the site. Both of the existing access points have been used effectively for many years. Under existing conditions, the site driveway on the Metro access road served the previous commercial use as the main point of entry and exit for staff and customers, while the connection on

Frederick Road was used for operational purposes and transporter access only. Moreover, having multiple vehicular access points is essential for a successful mixed-use project, even for a site located adjacent to Metro, and for the efficient distribution of site-generated traffic to minimize impacts on the surrounding roadways. The Applicant anticipates that grocery store customers will primarily use the Frederick Road entrance, while apartment residents and visitors will primarily use the Shady Grove Metro access road entrances. Moreover, the Subject Property confronts Metro station parking to the east, abuts commercial uses to the south, and borders Frederick Road to the west. The only nearby residential use that is not separated from the Subject Property by a multi-lane thoroughfare is a multi-family building (the Bainbridge Shady Grove Metro Apartments), located on the northeast corner of Frederick Road and the Shady Grove Metro access road. The additional residential traffic on the Metro access road from the proposed project will be consistent with the City's classification of the access road as a secondary residential roadway, and will not adversely affect nearby residential developments. The proposed layout is also consistent with existing conditions, in which trips generated by the prior commercial use routinely accessed the site from the Metro access road. Finally, the project will be designed to and will include necessary measures to mitigate any potential adverse impact on the surrounding transportation network.

Lidl's trash and recycling functions will take place in the area of the loading dock at the rear of the store. They will be appropriately screened so that they are not visible from sidewalks or the residential building, in keeping with Section 25.13.06.c. For the residential portion of the project, trash and recycling will be located internal to the building; dumpsters will be rolled out to the exterior for pickup only.

Parking will be provided for grocery customers in a surface parking lot to the side of the store, which will meet or exceed applicable design standards under Sections 25.13.06.c and 25.13.07.a. The parking structure for the residential building will likewise satisfy applicable design standards. The applicant expects to seek approval for a reduction in the number of parking spaces required, consistent

with Section 25.16.03.h. The current concept plan provides for a total of roughly 330 spaces, approximately 20% below the maximum of 420 spaces called for in the zoning code. Parking below the maximum stated in the Zoning Code is justified due to proximity to Metro and lower rates of vehicle ownership in affordable housing projects. The project will satisfy City requirements for the number, location, and design of bicycle parking spaces under Section 25.16.09.

The Applicant will provide for safe and convenient pedestrian access to the store and the residential building, and from the site to existing sidewalks and the nearby Metro parking lot. As noted earlier, the Frederick Road frontage will become an inviting destination for pedestrians with seating, shade, and a generous sidewalk separated from the road by landscape buffering.

The proposed project also satisfies the intent of the special design regulations for the MXTD zone to foster the implementation of master plan recommendations for an area in close proximity to Metro rail stations. See Sec. 25.13.07. Buildings will line part or all of the site's three road frontages. The grocery store will be located close to the front property line, with an attractive array of 12-foot windows. Due to Lidl's grocery store configuration and need for surface parking, the grocery store façade will not occupy the entire site frontage. However, the site frontage will be activated with glass-front retail, outdoor seating, and landscaping, offering visual interest and respite for pedestrians. Further, the appearance of the surface parking will be softened with extensive landscaping. Rear building access will be provided only for the loading dock area, via an entrance from the Shady Grove Metro access road.

The residential building will be set back a considerable distance from Frederick Road, but will be readily visible and will include architectural features that contribute to visual interest, such as variation in materials and rooflines, and extensive fenestration. Due to topography, only one level of the residential parking structure will be visible from the front of the building. The portions of the residential parking structure visible from adjoining streets will have a building façade with similar materials used on residential floors, in keeping with Section 25.13.07. The site does not abut any residential properties,



greatly diminishing potential concern about vehicle headlights. Moreover, the two buildings, site landscaping, and the width of Frederick Road will effectively prevent vehicles headlights in the parking lot from shining into residential properties on the other side of either Frederick Road or the Shady Grove Metro access road.

As noted above, the project will meet or exceed applicable standards for public use space, landscaping and screening in Article 17.

### **Master Plan Conformance**

When the City's 2002 Comprehensive Plan was adopted, the Subject Property was outside the city limits, in the Urban Growth Area. Accordingly, the current Comprehensive Plan does not contain specific recommendations for the Subject Property. In the planning area closest to the Subject Property (Shady Grove Area, Sub-area 1), the plan encouraged mixed-use development with a diversity of housing types. The proposed project is consistent with that goal.

During a work session of the Rockville Planning Commission (the "Commission") on October 28, 2020, concerning the pending update to the City's Comprehensive Plan, the Commission responded favorably to Lidl's request to maintain the current zoning of the Subject Property to support the mixed-use project proposed in this application. The Commission also supported staff's suggestion to place the land use designation "Office Residential Retail Mix" on the Subject Property and the Bainbridge property. Thus, the updated Comprehensive Plan is expected to support the proposed development.

### **Adequate Public Facilities Analysis**

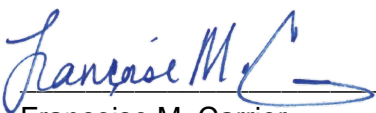
Per the submitted Comprehensive Transportation Review Scoping Intake Form, the Applicant anticipates that the combined project will generate 187 net trips in the morning peak hour and 365 net trips in the evening peak hour. The Applicant will perform a traffic study as required and address the results appropriately.

## **Conclusion**

The present application meets all applicable standards and will help the City achieve its goals of increasing residential density near transit, making this portion of Frederick Road more visually appealing, and activating the area with pedestrian-friendly uses, structures, sidewalks and landscaping. We look forward to discussing this project with the Development Review Committee.

Sincerely yours,

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

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