

Level 2 Site Plan Application

Lidl Food Market and The Henson at Shady Grove Metro

15931 Frederick Road, Rockville, Maryland

Applicant's Statement of Justification

August 20, 2021

Introduction

Lidl US LLC ("Lidl" or the "Applicant") proposes a mixed-use project consisting of a 30,000-square-foot grocery store and a 100% affordable multi-family residential building with nearly 200 units, to be located at 15931 Frederick Road (the "Subject Property"), situated 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, adjoining the Shady Grove Metro Station parking lot. 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 191 dwelling units. More than 40 percent of the units will have three bedrooms, a dwelling size that is often in short supply in multi-family housing but is very important for families. Roughly 30 percent of the units will have two bedrooms and slightly less than 30 percent will have one bedroom. Foundation Housing chose to prioritize the pressing need

for family-sized affordable apartments rather than maximizing the number of units in the building, a choice that is made in few affordable multi-family projects and fewer still market-rate multi-family projects. All units in The Henson will be affordable, with approximately 10 percent of the units affordable to households with incomes at 30 percent of the area median income ("AMI"), 10 percent of the units affordable at 50 percent of AMI, and the remaining 80 percent affordable at 60 percent of AMI. Residential parking will be provided in two levels of above-ground structured parking.

The proposed project will change the City's affordable housing landscape by building nearly 200 units of housing ranging from affordable to deeply affordable, at a location with exceptional transit access, and will increase quality of life in the vicinity of the site by providing a grocery store -- a sought-after neighborhood amenity -- and dramatically improving local pedestrian/bicycle facilities.

Site History and Existing Conditions

The Subject Property is bordered by Frederick Road to the southwest and the Shady Grove Metro access road to the northwest. To the northeast, it confronts the Shady Grove Metro Station parking lot across Somerville Drive, a two-lane road owned by the Washington Metropolitan Area



Transit Authority ("WMATA"). To the southeast, the Subject Property abuts industrial properties. To the northwest it confronts the Bainbridge multi-family residential building. As shown in the aerial photo below, 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 instead under contract for sale to Lidl.

Project Description

The project proposes a Lidl Food Market anchoring the corner of Frederick Road and the Metro access road and a multi-family residential building stretching along the entire Somerville Drive frontage. The proposed project is intended to be built in a single phase. It will substantially improve both the pedestrian realm and the visual appearance and vitality of the overall site.

For this site, Lidl has extended its trademark 12-foot-tall windows and overhead canopy to wrap around both front corners of the building, activating the corner, the Frederick Road frontage, and the interior of the site. The grocery store will be bordered by open space along Frederick Road with café-like seating, which will be partially shaded by the building canopy. Surface parking will be provided to the side of the store, between the store and the southern property line. The main store entrance will be at the southern corner of the store, close to Frederick Road and easily accessible to pedestrians from both Frederick Road and the Metro access road. A grand staircase will lead

pedestrians up from the street corner to the walkway in front of the store, which will sit at an elevation approximately three feet above street level. As the topography levels out, the main store entrance will be accessible via an at-grade, ADA-compliant path connecting to the sidewalk. The sidewalk, which is currently located directly adjacent to busy Frederick Road, will be widened to 10 feet and separated from the road by decorative metal panels and substantial landscape buffering. The Applicant also intends to install public art along the Frederick Road frontage, as discussed further below and on the submitted Art in Private Development application form. The site's entire Frederick Road frontage will be used as public open space. This will create a welcoming environment for customers and area pedestrians, as shown on the renderings below.



The full property frontage along the Metro access road will be bordered by building façades, with both the Lidl Food Market and the apartment building abutting the access road. The store's Metro access road façade will have 12-foot-tall windows for the ~~422~~ 20 feet closest to the Frederick Road corner. The remainder of that façade will create architectural interest with clerestory windows and a pattern of architectural split face block, textured wall materials, decorative pilasters and cast stone watertable. The Somerville Drive frontage will be enhanced by an attractive, modern multi-family residential building with extensive fenestration, varied rooflines and façade treatments, and landscaping. The pedestrian experience on both the Metro access road and Somerville Drive will also be improved by moving the sidewalk from its current location, directly adjacent to the roadway, and creating a landscaped buffer zone to separate the sidewalk from the road. Pedestrian walkways and entrances will connect the residential building with both the Metro access road and a bus stop on Somerville Drive.

Vehicular access to the parking lot will be available at two access points, one on Frederick Road and the other on the Metro access road. Lidl's standard operating procedure typically limits merchandise delivery to once per day, very early in the morning, via a single truck. Typically, Lidl uses a 53-foot tractor trailer. The same truck carts away recycling, resulting in an efficient, environmentally friendly process that minimizes visual and noise impacts. As show on the submitted Circulation Plan, the delivery truck will enter the site from the Metro access road, drive forward to a point near the northeast corner of the grocery store parking lot, and back into the loading area. Trash pick-up will be handled separately by a trash contractor.

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 19th 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 United States 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 to 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. Lidl plans to build on the residential building's name by using public art to commemorate Mr. Henson's life. The preliminary public art concept focuses on commissioning artwork with Mr. Henson as its theme as part of the panels screening the grocery store parking lot.

The proposed multi-family building will occupy the back portion of the site, stretching from the northwestern property line to the southeastern property line along Somerville Drive. The building is proposed to have six stories of residential above two stories of parking, designed in a U-shape around an open space area and a small number of surface parking spaces. Foundation Housing proposes 191 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 Metro access road and the other internal to the site. 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 café-style seating areas, landscaped sidewalks and public art along Frederick Road, a landscaped area with walking paths, amenities and seating near the residential building lobby, and green space wrapping the northwest and northeast sides of The Henson.

Master Plan Conformance

The Applicant proposes a mixed-use project with 191 units of multi-family housing in an 85-foot-tall building that will span the entire rear portion of the site, as well as a 25-foot-tall grocery store with an entirely glass front façade, outdoor café-style seating, and extensive improvements to the pedestrian realm. This site layout and combination of uses will make a momentous contribution to the

City's affordable housing goals while significantly contributing to the City's goals for a pedestrian-friendly, attractive, high-density, mixed-use environment along Frederick Road and in transit-served areas. The project will be an important step towards creating a built environment in the vicinity of the Shady Grove Metro that is compatible with the nearby Bainbridge Shady Grove building and potential future development on WMATA property.

The City recently adopted *Rockville 2040*, an update to the City's Comprehensive Plan. The proposed project will promote the goals of *Rockville 2040* in numerous ways:

1. Consistency with the OCRM (Office, Commercial, Residential Mix) designation recommended on the Land Use Policy map.¹
2. Consistency with the current mix of commercial and multi-family residential uses in Planning Area 16, which *Rockville 2040* proposes to continue.
3. An extraordinary contribution to the Plan's affordable housing goals.
4. Maximizing the value of Rockville's transportation assets by building 191 dwelling units and a major community amenity at the doorstep of a Metro station.
5. Increasing the walkability of this Metro-adjacent neighborhood by improving pedestrian/bicycle facilities and activating the streetscape on three pedestrian thoroughfares.

Compliance with Zoning Code Requirements

The proposed project has been designed to substantially comply with all applicable provisions of the Rockville City Code, Chapter 25 (the "Zoning Code"). Lidl and Foundation Housing have worked hard to develop a site layout that makes the combination of a community-serving grocery store and nearly 200 units of affordable housing feasible both from an engineering perspective and financially. This can only be achieved with basic elements that keep costs at an acceptable level: a single-story grocery store with surface parking; and a multi-family building that is as tall as possible while avoiding high-rise construction costs, and that relies on structured parking occupying the entirety of the first two stories. Within these parameters, the buildings and other site elements have been designed to satisfy each applicable element of the Zoning Code to the maximum extent possible.

¹ This designation was applied at Lidl's request to support the proposed mixed-use project.

By developing 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.

The MXTD zone calls for building façades with a range of heights between 45 and 65 feet and specifies that heights up to 120 feet may be allowed. See Sec. 25.13.05.b.2. While the height of the grocery store will be below 45 feet, the building design, topography, prominently located public use space and vertical elements screening the parking lot establish a strong presence on Frederick Road. With an eight-story residential building occupying the entire rear portion of the site and extensive improvements to the pedestrian realm, the proposed development will fulfill the purpose of the MXTD zone to create high-density retail and residential development near Metro stations while making an important contribution to the City's affordable housing goals.

The open area proposed for this project, occupying approximately 24% of the site, will considerably exceed the 15% required under Section 25.13.05.b. The proposed public use space along Frederick Road exceeds the 10% required in Section 25.13.05.b. Along the site frontage, the public use space provides areas for respite that will be buffered from the busy roadway by substantial landscaping and a wide sidewalk. 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. On-site open area 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. As shown on the submitted Site Plan, the project will amply satisfy applicable setbacks and minimum lot width. See Sec. 25.13.05.b.

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 that is

close to Frederick Road; attractive public use space, improved pedestrian facilities and enhanced streetscape along Frederick Road, a major vehicular and pedestrian thoroughfare; street-fronting buildings, improved pedestrian facilities and enhanced streetscape along the Metro access road, a second busy pedestrian thoroughfare, as well as along Somerville Drive; varying building heights and architectural details for visual interest; decorative parking lot screening and public art; 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 site plan, the transformer is proposed to be located near the rear of the grocery 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 Metro access road, while adding a new driveway entrance on the Metro access road. The second entrance on the Metro access road will allow for two means of ingress and egress to the surface parking lot and will provide access to the lower level of the residential garage. All vehicular entrances will be designed with adequate lighting and sight distance for drivers and attractive landscaping and streetscape for pedestrian safety and comfort.

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. 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. The Applicant anticipates that grocery store customers will primarily use the Frederick Road entrance, while apartment residents and visitors will primarily use the Metro access road entrances. As noted above, structured parking for the residential building occupying the entirety of the first two stories is an essential element of fitting a grocery store and nearly 200 units of affordable housing on this site. The building footprint requires the two levels of parking to be unconnected, each with its own entrance/exit. Due to topography and other site constraints, access to the lower level of the garage cannot be provided from within the site without significantly reducing the residential yield or increasing construction costs beyond what an affordable housing project can sustain. Thus, the project requires two vehicular entrances from the Metro access road. The Applicant has confirmed Montgomery County's support for a second curb cut on the Metro access road and is confident that ongoing discussions with WMATA will culminate in WMATA's support, as well.

The Subject Property confronts Metro station parking to the northeast, abuts commercial uses to the southeast, and borders Frederick Road to the southwest. The only nearby residential use that is not separated from the Subject Property by a multi-lane thoroughfare is the Bainbridge multi-family building, located at the northeast corner of Frederick Road and the 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. As described in detail in the submitted traffic study, the proposed project will have no adverse impact on the local roadway network that requires mitigation by the applicant.

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. The Henson will have two trash/recycling areas for resident use, one at each end of the building's "U". Dumpsters will be surrounded by masonry walls

and therefore will not be visible from nearby sidewalks. Trash and recycling is expected to be picked up two to three times a week. All trash truck activity to empty the dumpsters will take place within the site. At the southeast corner of the building, a front-loading trash truck will pick up the dumpsters at the dumpster enclosure. At the northwest corner, an employee will roll the dumpsters out of the trash room to make them accessible from the site's internal driveway. The front-loading trash truck will then stop on the internal driveway to empty the dumpsters. Because of the 28-foot width of this driveway, there will still be room for entering and exiting passenger vehicles to pass one another, even during the minute or two that a trash truck is stopped on the driveway. Loading functions for residential move-ins/move-outs will take place either inside the upper-level parking garage, which is accessed from the southwest corner of the building, internal to the site, or from the visitor parking area in front of the building.

Parking will be provided for grocery store customers in a surface parking lot to the side of the store with approximately 129 spaces. Lidl will also provide five lockers for long-term bike storage on-site. The Henson will provide 106 motor vehicle parking spaces and 66 long-term bicycle spaces in the lower-level garage, and 71 motor vehicle spaces and 10 short-term bicycle spaces in the upper level garage, which is accessed at grade due to site topography. Both the grocery store surface parking lot and the residential building parking structure will satisfy applicable design standards under Sections 25.13.06.c and 25.13.07.a.

The project proposes a total of 309 parking spaces. The parking requirement is stated in the Zoning Code as a maximum "[i]n order to limit excessive off-street parking and encourage parking reductions in the MXTD and MXCD zones" The total number of parking spaces proposed here is approximately 25% below the maximum of 407 spaces permitting in the Zoning Code. This is consistent with the flexible parking standards established in Zoning Code Section 25.16.03.h, which authorizes the Planning Commission to approve a reduced number of parking spaces where a major point of pedestrian access is within seven-tenths of a mile (3,696 feet) walking distance of a Metro station; where there are three or more bus routes in the immediate vicinity; and for any other good

cause shown. Both the pedestrian entrances to The Henson and the main store entrance are considerably less than 3,696 feet walking distance from the entrance to the Shady Grove Metro station; the walking distance from both buildings is roughly one third of a mile. The site enjoys excellent bus service, with seven Montgomery County Ride-On routes and one Metrobus route currently running along Frederick Road. Moreover, affordable housing projects tend to have lower rates of car ownership than market-rate multi-family buildings. Based on 30 years of experience with affordable housing in suburban locations, Foundation Housing is confident that the number of spaces proposed, which is just slightly less than one space per dwelling unit, will be adequate for residents' needs. The project will also satisfy City requirements for the number, location, and design of bicycle parking spaces under Section 25.16.09. Accordingly, the number of parking spaces proposed is appropriate for the proposed uses and should therefore be approved.

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 café-style seating, shade, public art, and a generous sidewalk separated from the road by landscape buffering and decorative metal screens.

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 a Metro station. 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 a front façade fully wrapped in 12-foot windows that extend 20 feet along the side façades. Due to Lidl's grocery store configuration and need for surface parking, the grocery store façade will not occupy the entire site frontage on Frederick Road. Instead, the site frontage will be activated with glass-front retail, outdoor café-style seating, landscaping, decorative metal screens and public art, which will combine to offer visual interest and respite for pedestrians. Rear building access will be provided only for the loading dock area, via an entrance from the Metro access road.

The residential building will be set back a considerable distance from Frederick Road but will be readily visible due to its height 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, and will be treated with architectural enhancements to maximize pedestrian comfort. Pedestrian entrances at both corners of The Henson facing the Metro access road will have canopies, signage and lighting that will make the building inviting at a pedestrian level.

The site does not abut any residential properties, greatly diminishing any potential concern about vehicle headlights. Moreover, the two buildings, site landscaping, and the width of Frederick Road will effectively prevent vehicle headlights in the parking lot or the garage from shining into residential properties on the other side of either Frederick Road or the Metro access road.

Section 25.17.06 calls for development in the MXTD zone to be planned so that “no building will cast a shadow between 10:00 a.m. and 2:00 p.m. on December 21st on existing or approved structures that are principally. . . residential . . .” As shown on the submitted shadow study, The Henson will cast no shadows on the nearby Bainbridge building for nine months of the year, from February 15 to November 15. On December 21, however, The Henson will cast a shadow twenty feet high on one corner of the Bainbridge from 10:00 to 10:45 a.m. This shadow is likely smaller than the shadows cast on the Bainbridge by the mature street trees located along the Metro access road. This minimal shadow intrusion should not prevent approval of a project that will advance important City and regional goals by providing nearly 200 units of affordable housing, mixed-use activation of a transit-served location on a major pedestrian thoroughfare, and significant improvements to pedestrian/bike facilities.

The project will comply with the requirement in Section 25.17.06 to locate public use space where it will receive direct sun for a cumulative total of at least two hours between 8:00 a.m. and 4:00 p.m. on December 21.

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

Adequate Public Facilities Analysis

Per the submitted transportation study, the Applicant anticipates that the combined project will generate 123 net trips in the morning peak hour and 152 net trips in the evening peak hour and will have no adverse impact on the local roadway network that requires mitigation by the applicant.

Conclusion

The proposed project will change the City of Rockville's affordable housing landscape by providing nearly 200 units of affordable housing, including a substantial number of units that are deeply affordable, at a location that is easily accessible on foot, by Metro, by bus, by bicycle and by private vehicle. It will also contribute meaningfully to the City's goal of increasing residential density near transit and WMATA's goal of increasing residential density near Metro stations. Further, the project will enliven its neighborhood with a new grocery store amenity and will advance the goals of making this portion of Frederick Road and the Metro access road more visually appealing and activating the area with pedestrian-friendly uses, structures, sidewalks, public art and landscaping. We look forward to completing the review of this project and beginning its successful implementation.

This submission is intended to satisfy the requirements of the Zoning Code and the City's submission standards for a Site Plan 2 application. If amended or supplemental information becomes necessary to support the present application, the Applicant will make a supplemental submission in a timely fashion.

Respectfully submitted,

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

By:


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