

April 30, 2021

Barbara A. Sears
bsears@milesstockbridge.com
301.517.4812**Phillip A. Hummel**
phummel@milesstockbridge.com
301.517.4814

Jim Wasilak, AICP
Chief of Zoning
City of Rockville Department of Planning and Development Services
111 Maryland Avenue
Rockville, Maryland 20850

Re: Project Plan Application for 16160/16200 Frederick Road and Parcel P170, Rockville – Project Narrative

Dear Mr. Wasilak:

EYA Development (“Applicant”) is filing this Project Plan Application for 16160/16200 Frederick Road and Parcel P170, Rockville (the “Project Plan Application”) pursuant to Chapter 25 of the City Code (the “Zoning Ordinance”). The Project Plan Application proposes the redevelopment of 16160/16200 Frederick Road and Parcel P170 (collectively, the “Property”) in the City of Rockville (the “City”) with a maximum of 371 dwelling units (up to 1.5 FAR residential), along with attractive open spaces, amenities, and other infrastructure improvements (the “Project”). As discussed in greater detail below, the Project seeks to transform an existing automobile dealership/service facility and unimproved areas with a range of new single-family and multi-family homes for ownership (15% of which as moderately priced dwelling units) convenient to transportation facilities, commercial services, and community facilities.

The Property

The Property comprises two main components: 16160/16200 Frederick Road (the “Frederick Road Lots”) and Parcel P170 (“P170”). The Frederick Road Lots contain approximately 10.23 acres and are more particularly known as Parcel A and Parcel C, King’s Addition to Shady Grove as depicted on Plats No. 7936 and 10684 recorded among the Land Records of Montgomery County on August 23, 1965 and September 4, 1973, respectively. The Frederick Road Lots are improved with the King Buick/GMC/Mitsubishi automobile dealership and service facility, along with associated surface parking lots. The Frederick Road Lots portion of the Property is

City of Rockville Department of
Planning and Development Services
April 30, 2021
Page 2 of 27

currently located in unincorporated Montgomery County and presently classified in the GR (General Retail)-1.5 H-45 zone.

Victor, Inc., which is the current owner of the Frederick Road Lots, filed a petition to annex the Frederick Road Lots into the City, together with the 1.73 acre abutting Frederick Road right-of-way, and reclassify it to the City's MXCD (Mixed-Use Corridor District) zone (ANX2000-00146 – King Buick, the "Annexation Petition"). Since the filing of the Annexation Petition, the Mayor and Council has introduced a resolution to enlarge the City's corporate boundaries, approved the Planning Commission's annexation plan, and adopted a resolution to set a public hearing on the requested annexation for May 17, 2021.¹

The other component of the Property is P170, which is an unrecorded and unimproved parcel containing approximately 10.34 acres of land. P170 is currently located within the corporate boundaries of the City of Rockville and is classified in the MXCD zone. The combined area of the Frederick Road Lots and the City Parcel is approximately 20.57 acres. Applicant has entered into a contract to purchase the Property to redevelop it with the Project.

Although the Frederick Road Lots are currently subject to the recommendations of the 2006 Shady Grove Sector Plan, the Montgomery County Council on April 6, 2021 adopted the Shady Grove Sector Plan Minor Master Plan Amendment (the "Plan Amendment"). The Plan Amendment recommends rezoning the Frederick Road Lots from GR-1.5 H-45 to CRT-1.5 C-0.5 R-1.5 H-80. P170 is presently subject to the recommendations of the City's 2002 Comprehensive Plan. The Mayor and City Council is currently reviewing the Planning Commission recommended draft of the Rockville 2040 Comprehensive Plan (the "Draft 2040 Plan"), which will ultimately replace the City's 2002 Comprehensive Plan.

¹ On April 20, 2021, the Montgomery County Council adopted a resolution expressly approving the Annexation Petition and the associated reclassification of the Frederick Road Lots and abutting Frederick Road right-of-way from the GR (General Retail) zone to the City's MXCD (Mixed-Use Corridor District) zone, subject to three conditions regarding density, the provision of certain right-of-way for Frederick Road with the incorporation of the design alignment for the Maryland Route 355 Bus Rapid Transit Project, and the incorporation of certain Vision Zero improvements along Maryland Route 355. As shown on the plans submitted with the Project Plan Application, the Project complies with these conditions.

To the Property's south is the King Farm neighborhood, which is a mixed-use community containing single-family and multi-family homes, parks (including the Mattie J.T. Stepanek Park and the King Farm Dog Park), retail businesses at the King Farm Village Center, and other commercial uses. The King Farm farmstead abuts the Property to the southeast. The Property fronts Frederick Road (Maryland Route 355), which provides convenient access to the regional road network, including Interstate 370, Maryland Route 200 (the Intercounty Connector), Shady Grove Road, and Interstate 270. Northwest of the Property are multiple commercial uses, including a hotel, an office building with ground floor retail, and a shopping center. Additionally, the Property is located within walking distance of the Shady Grove Metrorail station, which provides heavy rail service to Glenmont via the District of Columbia and offers access to numerous Metrobus, Ride On, and Maryland MTA bus routes. The Maryland Route 355 corridor in the vicinity of the Property contains a diverse mix of uses, including professional offices, retail businesses, hotels, industrial space, multi-family buildings, and community facilities.

Project Description

As shown on the plans submitted with the Project Plan Application, Applicant's Project is envisioned as a walkable and transit-oriented residential neighborhood with a range of unit types, a network of public streets and private alleys, desirable and welcoming community amenities and open spaces (both public and private), and attractive landscaping. The Project proposes a maximum of 371 total dwelling units (up to 1.5 FAR residential) comprised of 253 townhouses with front and rear loaded garages and a variety of widths (expected to be 14 feet wide through 24 feet wide) and 118 two-over-two multi-family units. Fifteen percent of the Project's dwelling units will be provided as moderately priced dwelling units ("MPDUs"). The MPDUs will include both townhouses and two-over-two multi-family homes, all of which will be offered as ownership units with two to three bedrooms and appropriately scattered throughout the Project. The Project's locates the two-over-two multi-family units (up to 55 feet in height) along the Property's Frederick Road frontage, with the townhouses (up to 50 feet in height) sited at the Property's sides, rear, and interior. The two-over-two multi-family units and townhouses in the Property's interior will be accessed by rear-loaded alleys, while the townhouses located on the Property's perimeter will be served by front-loaded driveways with rear yards that provide an additional buffer to adjacent properties. Providing front loaded driveways for these units responds to existing grading restraints, prevents the construction of alleys in areas along the Property's edges, and allows for enhanced compatibility with adjacent properties through natural landscaped screening. Five townhouse units that were shown abutting the King Farm farmstead in the Pre-Application Meeting submission

City of Rockville Department of
Planning and Development Services
April 30, 2021
Page 4 of 27

have since been replaced with additional public use space envisioned to contain playgrounds and other amenities. All dwelling units will provide required parking on each respective lot. The Project also includes an approximately 2,280-square-foot community amenity building with pool, with parking to be provided entirely off-lot in on-street parking conveniently located across the street.

The Project Plan Application materials illustrate the Project also includes an attractive system of thoughtfully designed public use spaces and open areas connected by safe and efficient pedestrian walkways. These amenities are thoughtfully distributed throughout the Property to encourage opportunities for recreation, gathering, and respite. The Project has been updated since the Pre-Application Meeting submission to incorporate a large consolidated centralized area that includes the community amenity building/pool, as well as public use space intended to include open lawn areas, a fire pit, outdoor game area, and outdoor seating. The Property's Frederick Road frontage is also provided as public use space with additional dedicated right-of-way to create a welcoming and inviting presence for pedestrians, cyclists, and motorists. As noted above, five townhouses shown in the Pre-Application Meeting submission abutting the King Farm farmstead have been replaced with additional public use space expected to be programmed with playground areas and other amenities. The concept landscape plan depicts that portions of the Project's open areas will be enhanced with generous landscaping, including shade trees, ornamental trees, evergreen trees, shrubs, as well as lawn areas. The Project's proposed public use space also includes the approximately 75-foot wide easement area on the Property's northwestern edge, which Applicant has coordinated with WSSC to program as a proposed natural trail in a meadow setting with plantings and flowers to attract butterflies and birds, as well as lawn areas for active and passive recreation. This area will also serve as an attractive and effective buffer between the Project and the existing commercial uses towards Shady Grove Road. The Project's other public use spaces are provided as multiple pocket parks effectively dispersed around the site. As a result of Applicant's modifications, the Project's open areas and public use spaces are now thoughtfully aligned along a central axis from the Property's Frederick Road access point through to a mews area between Public Streets B & C, to the centralized community amenity building/pool/public open space, and the new pedestrian connection from Public Street D to Mattie J.T. Stepanek Park.

Additionally, the Project incorporates safe and efficient circulation for vehicles, pedestrians, and cyclists. Applicant has updated the Project by eliminating a proposed access point to provide a single point of ingress/egress from Frederick Road (identified as Public Street A). The Project also provides a 10 foot wide shared use

City of Rockville Department of
Planning and Development Services
April 30, 2021
Page 5 of 27

path along the entirety of the Property's Frederick Road frontage (increased from an eight foot width in the Pre-Application Meeting submission) to improve walking and cycling connections with surrounding areas. The Project maintains the proposed connection to Pleasant Drive (identified as Public Street F), which is critical link for ensuring appropriate access for future residents and emergency vehicles and providing convenient access to the King Farm Village Center so future residents can easily patronize those businesses by car, foot, or bicycle. The Project's other public streets (Public Streets B, C, D, E) will effectively distribute traffic from these access points to the Project's residential units and amenities while discouraging cut-through traffic to King Farm. This is achieved by eliminating a direct and straight connection from Frederick Road to Pleasant Drive. The public streets will also include five and six foot wide sidewalks and generous planting strips with street trees to encourage walking and increase the pedestrian level of comfort. In comparison to the Pre-Application Meeting submission, the Project increases both public right-of-way and open area/public use space. Since the Pre-Application Meeting submission, the Project has also been updated to include a new pedestrian connection from the Property to the adjacent Mattie J.T. Stepanek Park. On-street parking spaces will be included in the public streets to accommodate parking for visitors and users of the community amenity building. Private alleys will serve the rear-loaded residential units.

Applicant has made other changes to the Project in the Project Plan Application in response to City staff comments on the Pre-Application Meeting submission. The removal of the five townhouse units adjacent to the King Farm farmstead accommodate additional landscape plantings for buffering. The Project also reduced the number of residential units abutting the King Farm Dog Park from 15 to 11, increased the minimum rear setback from 20' to 25' (while some of the proposed units have a greater rear setback between 30' to 41'), and incorporated additional plantings for screening. Applicant has also closely coordinated with City staff to find ways to support the adaptive reuse of the King Farm farmstead. The parties have agreed upon further study of an updated driveway from Frederick Road across the Property, the construction (or equal monetary contribution) for a new approximately 40 parking space lot on the farmstead site with an accessible sidewalk connection, and undergrounding utility pole lines on the Property that serve the farmstead site. Applicant will continue to consult with City staff on options for supporting the farmstead as part of development review.

Stormwater management for the Project will provide environmental site design ("ESD") to the maximum extent practicable ("MEP"). This includes ESD facilities of at-grade and planter box style micro-bioretenion and permeable paver

City of Rockville Department of
Planning and Development Services
April 30, 2021
Page 6 of 27

facilities, with underground structural facilities supplementing treatment to reduce the deficit of target to achieved stormwater management volume. Per Section 19-2 of the City Code, the proposed development is considered "redevelopment," with existing site impervious area exceeding forty (40) percent. Per Section 19-43(d), redevelopment projects may be permitted by the City to treat less than one (1) inch of rainfall. Alternatives for WQv, CPv and Qp10 of the Site is being requested through payment of a monetary contribution, which will be calculated based on the approved plans utilizing the schedule of rates that are in affect at the time of permit issuance for the remaining untreated volume. The existing adjacent right-of-way requirements for the Frederick Road and Pleasant Drive requirements will be achieved via fee in lieu per City of Rockville requirements.

Applicant has also submitted a traffic report in compliance with the City's Comprehensive Transportation Review (CTR) guidelines. The traffic report concludes, among other things, that there is adequate transportation capacity to accommodate the Project as proposed without further off-site mitigation measures. Other analyses from the traffic report discuss how the Project as proposed meets the warrants for a new signal at the intersection of Public Street A and Frederick Road, that there is adequate queueing space to accommodate northbound Frederick Road traffic turning left into the Property, and that there will be a negligible impact from cut-through traffic into or out of the existing King Farm neighborhood.

Compliance with Section 25.07.01.b.2(a)-(e) of the Zoning Ordinance

Section 25.07.01.b.2(a) through (e) of the Zoning Ordinance provides the findings the Mayor and Council must make before approving the Project Plan Application. The following is an analysis of how the Project Plan Application satisfies these findings:

(a) The Project Plan Application will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed project;

The Project Plan Application will enhance the health and safety of persons residing or working in the neighborhood of the Project. The Project will transform the Property's existing conditions, including an automobile dealership/service center with a new compact, walkable, and visually appealing residential community that will incorporate a significant amount of affordable for-sale dwelling units, open area, public use space, and landscaping. The Project's proposed townhouse and two-over-two multi-family units will be proximate to existing and proposed transportation infrastructure, including the Shady Grove Metrorail station, as well as a wide range

of commercial services, employment uses, and community facilities. The Project's future residents will also serve as a new customer base to support nearby retail uses, including the King Farm Village Center.

The Project will enhance multi-modal connectivity with surrounding neighborhoods by incorporating a new 10 foot wide shared use path along Frederick Road, a new street grid with comfortable sidewalks and wide planting strips with street trees, and a pedestrian connection from the Property to the abutting Mattie J.T. Stepanek Park. The new shared use path along the Property's Frederick Road frontage, combined with new trees and other plantings, will provide an attractive and welcoming presence along an important City commercial corridor. The Project will also provide a significant number of new trees on the Property, thereby increasing on-site tree canopy, and offer state-of-the-art stormwater management infrastructure on a site with little or no controls.

The Project is also compatible with adjacent development. Since the filing of the Pre-Application Area Meeting submission, Applicant has replaced some proposed townhouses abutting the King Farm farmstead with new public use space anticipated to include landscaping, playground(s), and other amenities. With respect to the Property's southwestern boundary, the Project has reduced the number of units abutting the King Farm Dog Park, increased rear setbacks, and added additional plantings to bolster the landscaped buffer. Regarding the Property's northwestern boundary, Applicant has been coordinating with WSSC to program its easement area with a proposed natural trail in a meadow setting with plantings and flowers to attract butterflies and birds, all of which will assist in creating a visually appealing screen from the adjacent commercial uses. The Project's new street grid has been intentionally designed to enhance connections with the new link from the Property to Pleasant Drive while discouraging cut-through traffic. Furthermore, the Project offers ample visitor parking spaces (both on-street and off-street) to reduce impact on neighboring communities.

Additionally, the Project advances the adaptive reuse of the adjacent King Farm farmstead by proposing to construct (or provide an equivalent financial contribution to construct) a new approximately 40 space parking lot with an accessible sidewalk connection, an upgraded driveway from Frederick Road across the Property, and undergrounding pole lines on the Property that serve the farmstead. Redevelopment of the Property will also result in increased municipal property tax revenue that can support important City services, facilities, and priorities.

(b) Be in conflict with the Plan;

Applicant's Project advances many City-wide goals of the City's Draft 2040 Plan.² This includes new housing to meet the wide range of community needs, especially "missing middle" and affordable units, on infill sites in walkable nodes near transit. *See* Draft 2040 Plan, pgs. 37-39, 193-94. Development will provide new housing where amenities and infrastructure currently exist, and the Project's fee-simple MPDUs will help increase homeownership opportunities affordable to first-time homebuyers near the Shady Grove Metrorail station. *See* Draft 2040 Plan, pgs. 194, 204. New residents can support nearby existing retail uses, such as the King Farm Village Center. *See* Draft 2040 Plan, pgs. 47, 182. The Project's new streets will also encourage pedestrian, bicycle, and vehicular connectivity with surrounding neighborhoods in a context-sensitive and appropriate manner. *See* Draft 2040 Plan, pgs. 55-58, 63-65, 79-84 194-95, & 204-06. The Project incorporates attractive and welcoming public use space, open areas, and amenities that offer opportunities for recreation, gathering, and interaction. *See* Draft 2040 Plan, pg. 93. By offering pedestrian-friendly infill development proximate to a wide array of commercial services, employment opportunities, and public transit, the Project will facilitate the use of non-polluting modes of transportation, specifically walking and bicycling. *See* Draft 2040 Plan, pg. 128. Redevelopment of the Property will also facilitate meeting current stormwater management standards on untreated parts of the City with modern infrastructure. *See* Draft 2040 Plan, pgs. 163, 167. Additionally, providing new parking facilities on the King Farm farmstead will help support the adaptive reuse of the historic resource. *See* Draft 2040 Plan, pg. 218.

Annexing the Frederick Road Lots to implement the Project will also serve the City's strategic interests, encourage reinvestment near the Shady Grove Metrorail station, and be accommodated by existing public services. *See* Draft 2040 Plan, pgs. 224-25, 227, 228-29, & 236-38. Similarly, the Project is also harmonious with the Draft 2040 Plan's specific planning area objectives for the King Farm and Shady Grove neighborhood (Planning Area 16). This includes promoting the success of the King Farm Village Center with new nearby customers, taking advantage of opportunities for annexation near the Shady Grove Metrorail station, enhancing the Frederick Road streetscape for walkers and bikers, ensuring the incorporation of park space to meet the needs of new residents, and supporting the reuse of the King Farm farmstead. *See* Draft 2040 Plan, pgs. 372-77.

² The Planning Commission transmitted its recommended Draft 2040 Plan to the Mayor and Council on March 15, 2021.

- (c) *Overburden existing and programmed public facilities as set forth in Article 20 of this Chapter and as provided in the adopted Adequate Public Facilities Standards;*

The Project Plan Application will be served by adequate public facilities in accordance with the City's Adequate Public Facilities Ordinance (codified in Article 20 of the Zoning Ordinance) and Adequate Public Facilities Standards ("APFS").³

Transportation

Under the APFS, the City's Comprehensive Transportation Review ("CTR") is used to determine the adequacy of transportation facilities. In accordance with the CTR, Applicant has submitted a transportation report with the Project Plan Application. The transportation report demonstrates that there are adequate transportation facilities to serve the Project with the implementation of planned site design elements without off-site mitigation measures. The transportation report also notes the Project's intersection of Public Street A and Frederick Road meets the applicable signal warrants in future conditions with the proposed development.

Schools

The Property is served by Rosemont Elementary School, Forest Oak Middle School, and Gaithersburg HS. Under the APFS, a determination of adequate public school capacity is based on 120% or less of the Montgomery County's Planning Board's projected program capacity at each school level using the projected school capacity in five years and a seat deficit of less than 110 seats at the elementary school level and less than 180 seats at the middle school level.

Under a projected unit mix of 253 townhouses and 118 two-over-two units, the Project is anticipated to generate approximately 52 elementary school students, 25 middle school students, and 34 high school students per the student generation rates included in the Annual School Test Guidelines adopted by the Montgomery County Planning Board on December 17, 2020.

³ Under Section 25.20.01.b of the Zoning Ordinance, any development within the City must comply with the APFS.

City of Rockville Department of
Planning and Development Services
April 30, 2021
Page 10 of 27

The FY2021 School Utilization Report adopted by the Montgomery County Planning Board projects the following utilization in five years⁴:

	Utilization	Seat Surplus/Deficit
Rosemont ES	95.8%	24 Seat Surplus
Forest Oak ES	102.2%	21 Seat Deficit
Gaithersburg HS	116.3%	N/A

These projections establish there is adequate school capacity to accommodate the students generated by the Project in accordance with the APFS:

	Utilization Project	with Seat Surplus/Deficit With Project
Rosemont ES	104.9%	28 Seat Deficit
Forest Oak ES	104.8%	46 Seat Deficit
Gaithersburg HS	117.6%	N/A

Water and Sewer Services

The Property is currently categorized W-1/S-1, which are for areas served by public systems that are either existing or are under construction. Properties designed as W-1/S-1 are eligible to receive public water and/or sewer service. The Property is served by WSSC and a Hydraulic Planning Analysis has been submitted to confirm the adequacy of water and sewer service.

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

Zoning Ordinance

The Project will comply with the Zoning Ordinance and other provisions of applicable law. The Project proposes dwelling types (townhouses, two-over-two units) that are permitted by right in the MXCD zone. § 25.13.03 of the Zoning Ordinance. As shown on the tabulations included on the submitted plans, the Project complies with the MXCD zone development standards, including building height (75 feet maximum allowed, 55 feet proposed), open area (15% minimum required, 42.8% proposed), public use space within open area (10% minimum required, 14.1%

⁴ See <https://montgomeryplanning.org/wp-content/uploads/2020/12/FY2021-School-Utilization-Report.pdf>

proposed), width at front lot line (10 feet minimum required, 14 feet minimum proposed), and setbacks (0' required for non-residential land abutting, 0' proposed, with the exception of the rear setback for the community amenity building, which is a minimum of 10' proposed). § 25.13.05.b.1 of the Zoning Ordinance. With regard to the building height provisions specifically applicable in the MXCD zone, the Project proposes a building façade height of 55 feet at the street, pursuant to the Mayor and Council's authority to allow building façade height up to 75 feet at the street as part of a project plan application. § 25.13.05.b.2(b) of the Zoning Ordinance. The Project also seeks approval to provide building facades that exceed 250 feet in length without varying the façade height as a monotonous, monolithic appearance is avoided through architectural design treatments. In accordance with Chapter 13.5 of the City Code, 15% of the total number of dwelling units will be provided as MPDUs (56 MPDUs for 371 total dwelling units). § 25.13.05.c.4 of the Zoning Ordinance; § 13.5-5(e) of the City Code.

A discussion of the Project's general conformance with the additional design guidelines applicable to all of the City's mixed-use zones, as well as the design guidelines specifically applicable in the MXCD zone is attached hereto as Exhibit "A". §§ 25.13.06 & 25.13.07.b of the Zoning Ordinance

The Project also complies with the Zoning Ordinance's parking and loading requirements. All dwelling units will provide the required amount of automobile parking spaces on each residential lot. The Project's community amenity building proposes to provide all vehicular parking entirely off-lot in on-street parking spaces across Public Street C. Good cause exists for this condition as the entire amount of required parking will be conveniently located across the street from the community amenity building in dedicated on-street parking spaces, which is consistent with pedestrian friendly, compact, and traditional neighborhood development design. See § 25.16.03.h of the Zoning Ordinance. Bicycle parking for the community amenity building will be provided on lot. Additionally, the Project includes 290 visitor parking spaces (offered in a combination of driveways and on-street spaces) to achieve a visitor parking ratio of 0.78 automobile parking spaces per residential unit. All proposed parking spaces will adhere to applicable parking design standards of Section 25.16.06 of the Zoning Ordinance.

Additionally, the Project achieves compliance with the applicable provisions of Article 17 of the Zoning Ordinance. All of the Project's proposed public use space is accessible for use and enjoyment by the general public. § 25.17.01.b of the Zoning Ordinance. The Project also provides all required landscape and screening in accordance with the City's Landscaping, Screening and Lighting Manual and the

City of Rockville Department of
Planning and Development Services
April 30, 2021
Page 12 of 27

Forest and Tree Preservation Ordinance (Chapter 10.5 of the City Code). All trash recycling will be inside a building or screened by enclosures constructed of materials complementary to the building architecture. All new on-site utility lines and cables, including electric, telecommunication, television (including cable), transformers, and equipment cabinets will be installed underground. §§ 25.17.03.a & b of the Zoning Ordinance. Furthermore, all lighting will be provided in accordance with the requirements and guidelines of the Landscaping, Screening and Lighting Manual. § 25.17.04.b of the Zoning Ordinance. All sidewalks outside the right-of-way will have a minimum width of 6 feet. § 25.17.05 of the Zoning Ordinance.

Applicant seeks a waiver pursuant to Section 25.21.07 of the Zoning Ordinance to provide less than three trees on each residential lot per Section 25.21.21.b of the Zoning Ordinance. Undue hardship will result from strict compliance and a waiver is necessary so that substantial justice may be done. As shown on the plans submitted with the Project Plan Application, the Project will provide slightly less than two trees per residential lot in the aggregate across the Property. Given the infill, compact, walkable, urban-inspired, transit-oriented nature of the Project, providing three trees on each individual residential lot is unreasonable. The Project incorporates a significant number of new trees appropriately disbursed throughout the site, especially when compared to existing conditions, and considerably improves the magnitude of current tree canopy on the Property. Furthermore, the Project incorporates more than the required amount of open area and public use space, most of which will be generously landscaped with new trees – especially in the Project's amenity spaces and along Frederick Road. Thus, approving the waiver will not impair public health, safety, aesthetics, or general welfare and the waiver will not be contrary to the intent and purpose of the Draft 2040 Plan or the Zoning Ordinance.

Other Applicable Law

The Project Plan Application includes a preliminary forest conservation plan, which demonstrates conformance with the applicable requirements of the Forest and Tree Preservation Ordinance (Chapter 10.5 of the City Code). As shown on the submitted forest conservation plan, the Project proposes achieving a portion of the afforestation requirement on-site with payment of a fee-in-lieu, meeting the significant tree replacement requirement, and exceeding minimum tree cover requirements. The Project seeks removal of two specimen trees on the Property and the Project Plan Application includes a letter justifying the request in accordance with Chapter 10.5 of the City Code.

The Project Plan Application also includes a pre-application stormwater management concept package establishing compliance with the applicable requirements of Chapter 19 of the City Code (Sediment Control and Stormwater Management) through achievement of certain target treatment, providing certain volume in ESD facilities, achievement of certain treatment in structural facilities to supplement the required volume and treatment, and payment of a monetary contribution in lieu of certain on-site measures.

Regarding adherence to Chapter 21 of the City Code (Streets, Roads, Right-of-Way, and Public Improvements) Applicant seeks waivers pursuant to Section 21-42 of the Code. Specifically, Applicant seeks a waiver to modify the City's standard secondary residential road section – parking on both sides (Detail 45A) for Public Street A by removing on-street parking, providing wider sidewalks and planting strips, and including an additional one foot area adjacent to the sidewalks on both sides of the roadway within the right-of-way in lieu of a one foot PIE outside the right-of-way. Applicant also seeks waivers to modify the City's standard secondary residential road section – parking on one side (Detail 45C) for the Project's other public streets by providing wider planting strips and including an additional one foot area adjacent to the sidewalks on both side of the roadway within the right-of-way in lieu of a one foot PIE outside the right-of-way. These waivers are appropriate to accommodate transit-oriented, infill, compact, and walkable residential development along the City's main Maryland Route 355 commercial corridor.

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

The Project will enhance the natural resources or environment of the City or surrounding areas in numerous ways. The Project will provide new residential homes, including additional MPDUs, near existing and future transportation infrastructure, including the Shady Grove Metrorail station. The Project also incorporates a new 10 foot wide shared use path along the Property's Frederick Road frontage, as well as a new street grid with sidewalks and ample planting strips and street trees. These improvements, combined with the Property's proximity to a wide range of retail, employment, and community uses, will promote additional pedestrian and bicycle activity in the area. The Project will also plant a significant number of new trees on the Property, which will increase tree canopy, improve air quality, and reduce the heat island effect. Additionally, the Project includes modern stormwater management facilities on a site with little or no stormwater controls.

City of Rockville Department of
Planning and Development Services
April 30, 2021
Page 14 of 27

Conclusion

The Project, as proposed in Project Plan, will promote the health and safety of persons residing or working in the neighborhood of the proposed development, advance the City's comprehensive planning goals, be accommodated by adequate public facilities, adhere to relevant provisions of the City Code and applicable laws, and protect the natural resources or environment of the City or surrounding areas. See Sec. 25.07.01.b.2 of the Zoning Ordinance.

Applicant looks forward to working with the City to advance the Project through the development review process.

Sincerely,

MILES & STOCKBRIDGE P.C.

Barbara A. Sears / KDM

Barbara A. Sears

Phillip A. Hummel / KDM

Phillip A. Hummel

cc: Bob Youngentob, EYA
Wyndham Robertson, EYA
Aakash Thakkar, EYA
Jason Sereno, EYA

Exhibit “A”
Design Guidelines Discussion

25.13.06 – Additional Design Guidelines

a. *Purpose.* It is the purpose of this section to establish guidelines that will promote the highest quality of development in the Mixed-Use Zones. New development or redevelopment should be consistent with the intent and purpose of the following guidelines.

b. *Aesthetic and Visual Characteristics for All Zones*

1. *Facades and Exterior Walls Including Sides and Backs* – Buildings should be designed in a way that avoids massive scale and uniform and impersonal appearance and that will provide visual interest consistent with the community's identity, character, and scale. It is recommended that building walls greater than 100 feet long include projections, recessions, or other treatments sufficient to reduce the unbroken massing of the façade along all sides of the building facing public streets.

(a) Along any public street frontage building, design should include windows, arcades, awnings or other acceptable features along at least 60 percent of the building length. Arcades and other weather protection features must be of sufficient depth and height to provide a light-filled and open space along the building frontage. Architectural treatment, similar to that provided to the front facade must be provided to the sides and rear of the building to mitigate any negative view from any location off-site and any public area (e.g. parking lots, walkways, etc.) on site.

(b) Buildings should include architectural features that contribute to visual interest at the pedestrian scale and reduce the massive aesthetic effect by breaking up the building wall along those sides fronting on public streets with color, texture change, wall offsets, reveals, or projecting ribs.

Response: The townhome and multi-family buildings have been composed with many different façade designs intended to provide variety and articulation in the streetscape. Each unique façade design utilizes various fenestration patterns, multi-story masonry

bays, multi-story trim bays, and cantilevered bays to create visual interest and avoid massive scale uniformity. The townhome entries will also have a variety of detailing and depths resulting in a more articulated composition.

2. *Roofs* – Roof design should provide variations in rooflines where appropriate and add interest to, and reduce the massive scale of, large buildings. Roof features should complement the architectural and visual character of adjoining neighborhoods. Roofs should include two (2) or more roof planes. Parapet walls should be architecturally treated to avoid a plain, monotonous look. For energy-saving purposes, roof design should also include a light color surface or be planted with vegetation.

Response: The townhome roofs have been designed with a more contemporary flat roof form with a variety of cornice treatments and heights, utilizing light colored trim consistent with the architectural detailing of the surrounding community.

3. *Materials and Color*

(c) *General Provisions* - Buildings should have exterior building materials and colors that are compatible with materials and colors that are used in adjoining neighborhoods. Certain types of colors should be avoided such as fluorescent or metallic, although brighter colors may be considered at the discretion of the Planning Commission.

(d) *Materials Not Desired* - Construction materials such as tilt-up concrete, smooth-faced concrete block, prefabricated steel panels, and other similar materials should be avoided unless the exterior surface is covered.

Response: The townhome and two-over-two multi-family buildings have been composed with a variety of color and material schemes intended to be compatible with the surrounding community, drawing influences from the more traditional architectural styles. While the proposed architecture is more contemporary in style, the material schemes will be based in more classic palettes with the use of multiple bricks in the red and brown ranges, and horizontal siding in lighter tones and various

sizes. The trim materials will also be light toned with a predominance of white trim ensuring compatibility with the surround community. The optional loft level will be veneered in vertical siding consistent with a more contemporary theme and providing an accent to the overall façade composition. The color and material schemes will also be pre-determined on a lot-by-lot basis by Applicant to ensure variety in the final built community.

4. *Items Allowed Not Facing a Public Street* - The following items are only allowed either on sides not facing a public street or in the rear yard:

- (a) Window and wall air conditioners;
- (b) Electric utility meters;
- (e) Air conditioning compressors; and
- (d) Irrigation and pool pumps;

This provision does not apply to single-unit detached, semi-detached, attached or townhouse dwellings that may be located in a Mixed-Use Zone.

Response: Although this provision does not apply to the Project due to its location within the MXCD zone, all utility meters will be located on the rear facades or within enclosures and the air conditioning compressors will be located on the rooftops so as to not be visible from the street level, or located in the alleyways serving the two-over-two multi-family buildings. All exterior penetrations will also be located on the rears or roofs wherever possible, and painted to match the exterior building material.

5. *Entryways* – Building design must include design elements which clearly indicate to customers where the entrances are located and which add aesthetically pleasing character to buildings by providing highly visible customer entrances.

Response: The townhome and two-over-two multi-family buildings have been detailed with entries that have a variety of detailing and depths resulting in a more articulated composition. The entry doors will also be painted in accent colors complimenting the home's specific color scheme.

6. *Screening of Mechanical Equipment* – Mechanical equipment must be screened to mitigate noise and views in all directions. If roof-mounted, the screen must be designed to conform architecturally to the design of the building either with varying roof planes or with parapet walls. A wood fence or similar treatment is not acceptable.

Response: The air conditioning compressors will be located on the rooftops so as to not be visible from the street level, or located in the alleyways serving the two-over-two multi-family buildings. The mechanical equipment serving the community amenity building will be screened as necessary.

c. *Site Design and Relationship to Surrounding Community*

1. *Vehicular Access* – In the MXTD, MXCD, and MXE zones, each site must provide safety and protection to adjacent residential uses by having motor vehicle access only from an arterial, major, or business district road as designated in the Plan.

Response: This provision is proposed to be removed in a pending Zoning Text Amendment as this issue is already addressed through other City standards.

2. *Buffers* – Each site must provide visual and noise buffers to nearby residential uses. This can be accomplished by providing a substantial building setback from a residential use or residentially zoned property that is adjacent to the site. A landscape buffer of substantial width should be provided adjacent to any property line where it adjoins residential uses or zones. The landscape buffer should include a variety of tree types at regular intervals with groupings of trees to provide noise, light, and visual screening. No other uses, such as, but not limited to, parking or storage, are permitted within the buffer area.

Response: The Project provides effective buffers to abutting development. This is achieved through, among other things, replacing certain proposed townhouses abutting the King Farm farmstead shown in the Pre-Application Meeting submission with public use space, amenities, and additional landscaping, increasing the rear setbacks of certain townhouse units abutting the King Farm Dog Park to provide additional landscape

screening, and enhancing the WSSC easement area on the Property's northwestern boundary with a natural trail system, new plantings, and open lawn areas.

3. Outdoor Sales and Storage

(a) *General Standards* - Areas for outdoor sales of products may be permitted if they are extensions of the sales floor into which patrons are allowed free access. Such areas must be incorporated into the overall design of the building and landscaping and must be permanently defined and screened with walls and/or fences. Materials, colors, and design of screening walls and/or fences shall conform to those used as predominant materials and colors on the building. If such areas are to be covered, then the covering shall be similar in materials and colors to those that are predominantly used on the building facade. Outdoor sales areas shall be considered as part of the gross floor area of the retail establishment, except for motor vehicle and trailer sales.

Response: The Project does not propose areas for outdoor sales of products.

(b) *Prohibition of Certain Sales and Storage* - Outdoor storage of products in an area where customers are not permitted is prohibited. This prohibition includes outdoor storage sheds and containers. Outdoor storage of motor vehicles in connection with a motor vehicle sales business is allowed.

Response: The Project does not propose outdoor storage of products.

4. Trash Recycling, Waste Oil/Grease Collection Area

(a) *Location* - Trash, recycling, and waste oil/grease collection areas must be located at least 50 feet from any residential use, residentially zoned property, or street that is adjacent to the site, unless such operations are located entirely within an enclosed building or underground. All such areas must be properly covered or secured.

Response: The Project does not include any community-wide trash, recycling, or waste oil/grease collection areas.

(b) *Screening* - All trash recycling, and waste oil/grease collection areas that are not within an enclosed building or underground must be properly secured and covered and screened or recessed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways, or adjacent residential properties. Screening and landscaping of these areas must conform to the predominant materials used on the site.

Response: The storage of residential trash and recycling will be properly secured within the residential unit's private garages with relocation to the private alleys in the rears on trash and recycling collections days only.

5. *Parking Lots and Structures*

(a) *Parking Area Standards* - Parking areas must provide safe, convenient, and efficient access. They should be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks, and to reduce the overall scale of the paved surface. Landscaping should be used to define parking areas, primary vehicular drives, and pedestrian areas in an aesthetically and environmentally pleasing manner.

Response: All required parking associated with the Project's residential dwelling units will be provided on-lot in garages and driveways. Applicant's proposal to provide all parking associated with the Project's community amenity building entirely off-lot is supported by good cause as the required number of parking spaces will be conveniently located across the street on Public Street C. This proposal is consistent with walkable, compact, and traditional neighborhood design. All on-street spaces will be enhanced by ample planting strips with street trees.

(b) *Parking Structure Appearance* - Parking structure facades should achieve the same high quality design and appearance as the buildings they serve. The parking structures' utilitarian appearance should be minimized by utilizing effective design

treatments such as colonnades, planted (“green”) walls, arcades, awnings, street furniture and other public amenities. Compatible materials, coordinated landscaping and screening, appropriate building color, sensitive lighting, and signage should all be considered for garage facades.

Response: The Project does not propose any structured parking.

6. *Pedestrian and Bicycle Flows* – Each site must provide for pedestrian accessibility, safety, and convenience to reduce traffic impacts and enable the development of the project. Continuous internal pedestrian walkways, no less than six feet (6’) in width should be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. Sidewalks should also connect retail uses to transit stops on or off-site and to nearby residential neighborhoods. Sidewalks should be provided along the full length of any building where it adjoins a parking lot. On-site bicycle travel must be provided in accordance with Section 25.16.06.

Response: The Project provides a new network of internal streets with comfortable sidewalks, wide planting strips, street trees, and on-street parking lanes to promote pedestrian and bicycle circulation. All sidewalks outside the right-of-way will be a minimum of six feet wide. The Project also proposes a 10 foot wide shared used path along the Property’s Frederick Road frontage to increase walking and cycling linkages. The Project’s proposed connection to Pleasant Drive will also encourage pedestrian and bicycle connections to the nearby King Farm Village Center. Additionally, Applicant is coordinating with WSSC to enhance their existing easement area at the Property’s northwestern boundary with public use space including a natural trail system, plantings, and open lawn areas.

7. *Central Features and Community Spaces* – Development should provide attractive and inviting pedestrian scale features, spaces, and amenities. Entrances and parking lot locations shall be functional and inviting with walkways conveniently tied to logical destinations. Bus stops should be considered integral parts of the configuration whether they are located on-site or along the street. Customer drop-off/pick-up

points that may be provided should also be integrated into the design and should not conflict with traffic lanes or pedestrian paths. Special design features such as towers, arcades, porticos, light fixtures, planter walls, seating areas, and other architectural features that define circulation paths and outdoor spaces should anchor pedestrian ways. Examples are outdoor plazas, patios, courtyards, and window shopping areas. Each development should have at least two (2) of these areas.

Response: The Project incorporates a thoughtful, attractive, and inviting system of public open spaces with multiple opportunities for recreation, gathering, and relaxation. The centerpiece is a large and consolidated area in the center of the Project, which is anticipated to include the community amenity building and pool, open lawns, outdoor seating areas, and a fire pit. Open spaces are aligned along a central axis on the Property from street trees along Public Street A, a mews space between Public Streets B and C, the consolidated area with the community amenity space/pool/public use space in the center of the site, and other public use space with a connection to Mattie JT Stepanek Park. The area of the Property abutting the King Farm farmstead will be improved with new landscaping, public use space, and amenities such as playgrounds, and public art. Applicant is coordinating with WSSC to enhance their existing easement area at the Property's northwestern boundary with public use space including a natural trail system, plantings, and open lawn areas.

8. Delivery and Loading Spaces, Hours of Operation

(a) *Design* - Delivery and loading operations must be designed in accordance with the provisions of Article 16 and located so as to mitigate visual and noise impacts to adjoining residential neighborhoods. If there is a residential use or residentially zoned property adjacent to the site, such operations must not be permitted between 10 p.m. and 7 a.m. For good cause shown, the Planning Commission may permit deliveries at additional times provided the applicant submits evidence that sound barriers between all areas for such operations effectively reduce emissions to a level of 55 dB or less, as measured at the lot line of any adjoining property. Delivery and loading areas should be

substantially set back from a residential use or residentially zoned property that is adjacent to the site. A landscape buffer of substantial width should be provided adjacent to the delivery and loading area where it adjoins residential uses or zones. The landscape buffer should include evergreen shrubs and/or trees plus deciduous canopy trees at regular intervals, as appropriate, to provide light, and visual screening. If the delivery and loading spaces are located within an enclosed building or underground, no such setback and buffer area shall be required.

Response: The Project does not include any delivery and loading facilities. One on-street space will be used as a drop-off/loading space. The Project's community amenity building will not require regular deliveries after commencement of occupancy. Deliveries to the community amenity building will be no more frequent nor require any larger trucks than the Project's residential units.

(b) *Parking of Delivery Trucks* - Delivery trucks must not be parked in close proximity to or within a designated delivery or loading area during non-delivery hours with motor and/or refrigerators/generators running, unless the area where the trucks are parked is set back at least 50 feet from residential property to mitigate the truck noise.

Response: Any delivery trucks will park in driveways or in on-street spaces as the Project does not include any delivery and loading facilities. One on-street space will be used as a drop-off/loading space for the community amenity building.

(c) *Screening* - The delivery and loading areas should be screened or enclosed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways, or adjacent properties. The screen must be of masonry or other suitable opaque material and at least ten feet (10') high, measured from the loading dock floor elevation, to screen the noise and activity at the loading dock.

Response: The Project does not propose any delivery and loading areas, but the community amenity building will be surrounded by

attractive and generous landscaping, including street trees, planted plaza areas, and open lawns.

9. *Ancillary Uses* – The applicant must demonstrate that any ancillary uses will not have negative impacts on adjacent residential uses, residentially zoned properties, or adjacent properties. Any ancillary use should be oriented to face away from any residential use or residentially zoned property that is adjacent to the site.

Response: The Project does not propose any ancillary uses other than the community amenity building/pool, which will enhance the Project's new dwelling units and will not be visible from surrounding abutting properties.

10. *Noise Abatement* – A noise mitigation plan must be provided that indicates how the noise initiated by the land use will be mitigated to comply with noise regulations applicable in the City of Rockville. This includes compliance with the noise regulations set forth in Chapter 31B of the Montgomery County Code.

Response: The Project will comply with all applicable noise regulations.

11. *Outdoor Lighting* – Outdoor lighting shall be in conformance with the Landscaping, Screening and Lighting manual.

Response: The Project's outdoor lighting will be in conformance with applicable standards from the Landscaping, Screening and Lighting Manual.

12. *Landscaping* – Landscaping shall be in conformance with the Landscaping Screening and Lighting manual.

Response: The Project will be in conformance with applicable standards from the Landscaping, Screening and Lighting Manual

25.13.07 – Special Design Regulations for Individual Mixed-Use Zones

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b. *Mixed-Use Corridor District Zone (MXCD)* – This zone is intended for areas along major highway corridors in areas near the MXTD Zone. It allows for

moderate density development of retail, office, service, and residential uses. Because of the nature of the locations where it is applied, the zone provides some flexibility in the siting of buildings relative to major highways to accommodate service drives and required parking.

1. *Building Location* – In order to meet the intent of the Plan, buildings in the MXCD Zone should be located at the front property line or the build-to line where established by the Plan. Access should be to the rear, via alleys with access from the side street(s).

Response: All of the Project's two-over-two multi-family units and many of the Project's townhouses will be served by rear-loading alleys. Some of the Project's townhouses along the perimeter of the Property will be served by front-loaded driveways in response to the Property's grade, as well as the desire to provide space for appropriate setbacks and landscaped buffers in lieu of alleys.

2. *Uses by Floor* – The ground floor must contain retail or service uses dealing directly with the public along those streets designated in the Plan as major pedestrian spines. Ground floor retail is the preferred use along other streets, but is not required. The ground floor should normally have a ceiling height of at least 15 feet. At the time of site plan review or Project Plan review, the Approving Authority may consider a lower ceiling height if appropriate in the particular circumstance. The upper floors may be additional commercial, residential, or a combination of uses. If the building contains only residential units, the ground floor may consist of residential units, but should be designed to facilitate conversion to retail or other commercial uses.

Response: The Project proposes entirely residential uses and does not include any ground floor retail or service uses. Applicant seeks approval of a lower ceiling height of less than 15 feet due to the entirely residential nature of the Project.

3. *Facades* – The façade design must be consistent with the standards set forth in subsection 25.13.05.b.2(b). Where the façade height exceeds 35 feet, the façade should include an expression line above the first floor level and a defined cornice line at the top of the façade wall.

Response: Applicant seeks for the facades of the Project's buildings to not be required to include an expression line above the first floor level but most façade designs do include brick accent courses or water tables. The facades also have a variety of materials that are located to provide a variety of heights over the entirety of the building. The facades are also designed with a well-defined cornice in a variety of detailing.

4. *Fenestration* – Generally, fenestration of the stories above the ground floor should be by individual framed windows. Continuous strip windows may be allowed by the Approving Authority if they are used to maintain compatibility with existing contiguous projects.

Response: Fenestration of the stories above the ground floor will be framed by individual windows.

5. *Sidewalks* – Where sidewalks must be built new or rebuilt as part of redevelopment, they should comply with the provisions of Section 25.17.05.

Response: Sidewalks outside the right-of-way all have minimum 6 foot widths.

6. *Parking* – On-site parking must comply with the standards and requirements of Article 16. Most parking should be located to the side or in the rear of the buildings. Structured parking, either above or below grade, is preferred. Any parking structure facades visible from the street or a transitway must be treated in a similar manner as the primary building facades. All parking at the sides or rear must be screened to prevent vehicle headlights from shining into adjoining residential properties.

Response: All required parking associated with the Project's residential structures will be provided on-lot in garages and driveways. Applicant's proposal to provide all of the parking associated with the Project's community amenity building entirely off-lot is supported by good cause as the required number of parking spaces will be conveniently located across the street on Public Street C. This proposal is consistent with walkable, compact, and traditional neighborhood design. There will also be

ample on-street parking available for visitors. One on-street space will be used as a drop-off/loading space for the community amenity building.