

August 13, 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: Level 2 Site Plan Application for 16160/16200 Frederick Road
and Parcel P170, Rockville – Project Narrative**

Dear Mr. Wasilak:

EYA Development (“Applicant”) is filing this Level 2 Site Plan Application for 16160/16200 Frederick Road and Parcel P170, Rockville (the “Site Plan Application”) pursuant to Chapter 25 of the City Code (the “Zoning Ordinance”). The Site 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 370 dwelling units, 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 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, which took place on May 17, 2021.¹ On June 21, 2021, the Mayor and Council reviewed and discussed the testimony from the public hearing, provided instruction and direction to staff, and introduced an ordinance to amend the City's zoning map to include the Frederick Road Lots and the 1.73 acre abutting Frederick Road right-of-way. The Mayor and City Council is scheduled on October 4, 2021 to adopt the resolution expanding the City's corporate boundaries, as well as the ordinance amending the City's zoning map and apply MXCD zoning. The annexation would become effective 45 days later (or on November 18, 2021).

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

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 Site Plan Application, the Project complies with these conditions.

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. On August 2, 2021, the Mayor and City Council adopted the Rockville 2040 Comprehensive Plan (the “2040 Plan”), which replaces the City’s 2002 Comprehensive Plan.

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 Plan

On May 3, 2021, Applicant filed Project Plan PJT2021-00013 (the “Project Plan”), which initially proposed a maximum of 371 total dwelling units (up to 1.5 FAR residential) comprising 253 townhouses of varying widths and 118 two-over-two multi-family units. Fifteen percent of the Project Plan’s dwelling units were provided as MPDUs. The Project also included a community amenity building with pool, as well as open spaces and other infrastructure improvements.

Applicant held a pre-application meeting on November 24, 2020 and a post-application area meeting on June 3, 2021. A DRC meeting with City staff was held on June 17, 2021. A number of changes were made to the Project Plan in response to City staff comments, including, among other things, reducing the number of proposed units, reconfiguring certain open spaces, streets, and alleys to centralize the main community open space, increasing the amount of right-of-way dedication, increasing/improving

buffers to the King Farm Farmstead and Dog Park, widening the Project's entrance on Frederick Road, and improving pedestrian connectivity. The Applicant briefed the Planning Commission on the Project Plan on June 23, 2021, and briefed the Mayor and Council on July 19, 2021.

It is anticipated that the Planning Commission will consider and make a recommendation on the Project Plan on September 22, 2021. A public hearing before the Mayor and Council on the Project Plan is expected on October 4, 2021. Mayor and Council direction and instruction is envisioned on October 18, 2021, with final decision on November 8, 2021.

Project Description

As shown on the plans submitted with the Site 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 up to 370 total dwelling units (up to 1.5 FAR residential) comprised of 252 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 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. All dwelling units will provide required parking on each respective lot. The Project also includes an approximately 2,000-square-foot community amenity building and pool, with parking to be provided entirely off-lot in on-street parking conveniently located across the street.

The Site 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 incorporates 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. The 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. This includes near the King Farm Dog Park along the Project's southwestern corner.

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, including near the King Farm Farmstead where a playground is envisioned. As a result of Applicant's modifications, the Project's open areas and public use spaces are 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. The Project provides a single point of ingress/egress from Frederick Road (identified as Public Street A). The Project also provides a 10 foot wide shared use path along the entirety of the Property's Frederick Road frontage 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 a 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. The Project includes a 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 continued to coordinate closely with City staff for supporting the adaptive reuse of the King Farm Farmstead. The parties, with the approval from the Mayor and Council, have decided Applicant will construct a 47 space parking lot accessed from Frederick Road in an agreed-upon location, which will take place at the same time the Project is being constructed. Applicant will be responsible for preparing plans and application materials, while City staff will lead the entitlement process. If the City does not obtain the necessary approvals within six months of Applicant commencing construction of the Project, Applicant will provide a fee-in-lieu.

As detailed in the submitted Development Stormwater Management Concept Package, 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-bioretenention and permeable paver 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, as confirmed during Project Plan review, that there is

adequate transportation capacity to accommodate the Project as proposed with the provision of a traffic signal at the intersection of Public Street A and Frederick Road.

Compliance with Section 25.07.01.a.3(b)(i)-(iii) of the Zoning Ordinance

As the Site Plan will implement all of the approved Project Plan, it is deemed to meet the findings for approval so long as it complies with the conditions and requirements of the approved Project Plan (which it will). § 25.07.01.a.3(b) of the Zoning Ordinance. Furthermore, in accordance with Section 25.07.01.a.3(b)(i) through (iii) of the Zoning Ordinance, the Site Plan will not:

- (i) *Be detrimental to the public welfare or injurious to property or improvements to the neighborhood;*

The Site Plan Application will enhance the public welfare and the improvements of the surrounding area. 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. A range of evergreen trees, ornamental trees, and shade trees, combined with a playground amenity area, will provide an attractive yet effective buffer between the Project and a portion of the King Farm Farmstead (including the anticipated new 47 space parking lot). With respect to the Property's southwestern boundary, the Project achieves screening near the King Farm Dog Park through appropriate building setbacks and evergreen trees. 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 through the preparation of plans for and construction of a new 47 space parking lot on the King Farm Farmstead accessed from Frederick Road. Redevelopment of the Property, and reuse of the King Farm Farmstead, will also result in increased municipal property tax and fee revenue that can support important City services, facilities, and priorities.

- (ii) *Constitute a violation of any provision of this Chapter 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, maximum of 55 feet proposed for the two-over-two units), open area (15% minimum required, 42.4% proposed), public use space within open area (10% minimum required, 13.8% proposed), width at front lot line (10 feet minimum required, 14 feet minimum proposed for certain townhouse units), 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 proposed as 6'). § 25.13.05.b.1 of the Zoning Ordinance. With regard to the

building height provisions specifically applicable in the MXCD zone, the Project maintains a building façade height from the Project Plan 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. § 25.13.05.b.2(b) of the Zoning Ordinance. The Project also employs the provision from the Project Plan of 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 370 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. In accordance with Applicant's parking waiver request submitted with the Project Plan, the Project's community amenity building proposes to provide all vehicular parking entirely off-lot in on-street parking spaces across Public Street C. 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 280 visitor parking spaces (offered in a combination of driveways and on-street spaces) to achieve a visitor parking ratio of 0.75 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 Forest and Tree Preservation Ordinance (Chapter 10.5 of the City Code). All air conditioning equipment, transformers, emergency generators, elevator equipment and similar mechanical equipment on any roof, ground or building is screened from public view at ground level from the edge of the Property. § 25.17.02.d of the Zoning Ordinance. Similarly, all trash recycling will be inside a building or screened by enclosures constructed of materials complementary to the building

architecture. § 25.17.02.e of the Zoning Ordinance. 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 also seeks waivers pursuant to Section 25.21.07 of the Zoning Ordinance to provide less than one street tree per 40 feet of lot frontage within the public right-of-way, as well as provide less than three trees on each residential lot per Section 25.21.21.b of the Zoning Ordinance. As explained in detail in the justification statement included with the Site Plan Application, undue hardship will result from strict compliance and a waiver is necessary so that substantial justice may be done. Applicant's justification also discusses how approving these waivers will not impair public health, safety, aesthetics, or general welfare and the waiver will not be contrary to the intent and purpose of the 2040 Plan or the Zoning Ordinance.

The Site 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").²

Transportation

As confirmed during Project Plan review, there are adequate transportation facilities to serve the Project with the implementation of planned site design elements with the mitigation measures described above.

Schools

The Property is served by Rosemont Elementary School, Forest Oak Middle School, and Gaithersburg HS. As determined during Project Plan review, there are adequate public school facilities to serve the Project's residential uses (252 townhouse and 118 two-over-two units) as there will be utilization of 120% or less of the Montgomery County's Planning Board's projected program capacity at each school level using the projected school

² Under Section 25.20.01.b of the Zoning Ordinance, any development within the City must comply with the APFS.

capacity in five years, as well as a seat deficit of less than 110 seats at the elementary school level and less than 180 seats at the middle school level.

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, which has confirmed the adequacy of water and sewer service in an approved Hydraulic Planning Analysis. Thus, there is adequate water and sewer service to serve the Project in accordance with the APFS.

Other Applicable Law

The Site 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 Site Plan Application also includes a development stormwater management concept plan and preliminary sediment control plan, both of which demonstrate 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 proposes to construct all new Project roads in accordance with the waivers approved as part of the Project Plan. These waivers accommodate removing on-street parking, adding a turn lane, providing wider sidewalks and planting strips, and including a one foot PIE adjacent to the sidewalks on both sides of the roadway for Public Street A (a secondary residential road), as well as providing wider planting strips, limited removal of parking and sidewalk, reduced right-of-way widths in certain locations, and incorporating an additional one foot area adjacent to the sidewalks on both side of the roadway within the right-of-way (in select locations) in lieu of a one foot PIE outside

the right-of-way for the Project's other public streets (also secondary residential roads). The Project's network of roads will support transit-oriented, infill, compact, and walkable residential development along the City's main Frederick Road commercial corridor.

The Project's buildings will also comply with the applicable requirements of the City's Green Building Regulations of Chapter 5, Article XIV of the City Code.

(iii) Be incompatible with the surrounding uses or properties.

The Project is wholly compatible with surrounding uses and properties. The Project proposes entirely residential dwellings (townhouses and two-over-two buildings) in lieu of taller and more dense development typologies that are permitted under the existing zone. This is intended to provide a greater deal of consistency with the adjacent King Farm neighborhood while offering new customers to support the nearby King Farm Village Center, providing new residents in close proximity to existing and future transportation infrastructure, and strengthening the horizontal mix of residential, commercial, employment, and retail uses along the Frederick Road corridor. The placement of the Project's buildings also supports a compatible relationship with nearby existing development. Rear loaded two-over-two units (up to 55 feet in height) are located along the Property's Frederick Road frontage. This design, which accommodates a new 10 foot wide shared use path, places the Project's tallest buildings along Frederick Road and establishes an urban-inspired appearance along an important commercial corridor. Front loaded townhouses on the Property's northern, western, and southern boundaries (up to 50 feet in height) allow the inclusion of effective naturalized buffers and appropriate building setback areas instead of alleys and garages.

The buffers on the perimeter of the property create an attractive relationship between the Project and existing development. A natural trail system with plantings is proposed in the WSSC easement area along the Property's northern boundary. New evergreen, shade trees, street trees, and a playground amenity area will screen the Project from a portion of the adjacent King Farm Farmstead in a visually-appealing manner. A significant number of evergreen trees, combined with suitable rear yard setbacks, will establish compatibility between the Project and the adjacent King Farm Dog Park.

Other Project components promote compatibility by encouraging physical and visual linkages with surrounding development. This includes

the 10 foot wide shared use path along the Property's Frederick Road frontage, a new pedestrian connection between the Project and Mattie JT Stepanek Park, a new street with sidewalks connecting the Project to Pleasant Drive, and an enhanced access point for the King Farm Farmstead with a new 47 space parking lot (to be supported by Applicant's construction or payment of a fee-in-lieu). As shown on the preliminary architectural elevations submitted with the Site Plan Application, the color and material palette envisioned for the Project's residential homes and community amenity building are inspired by the existing King Farm Farmstead and associated buildings. All of these Project elements achieve compatibility with surrounding uses and properties.

Conclusion

The Project, as proposed in the Site Plan, will comply with the conditions and requirements of the Project Plan, support the public welfare and existing property and improvements in the neighborhood, comply with relevant provisions of the City Code and applicable laws, and be compatible with surrounding uses and properties. See Sec. 25.07.01.a.3(b) of the Zoning Ordinance.

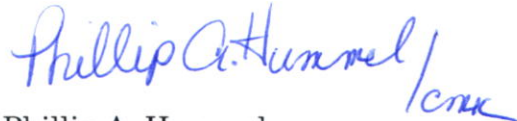
Applicant looks forward to working with the City to advance the Project through the development review process.

Sincerely,

MILES & STOCKBRIDGE P.C.



Barbara A. Sears



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.