

**PRE-APPLICATION MEETING PROJECT DESCRIPTION****Streetscape at Tower Oaks  
Project Plan Amendment**

On behalf of Michael Harris Properties, LLC (“Applicant”), please accept this Application for Pre-Application Meeting (“PAM”) in connection with the forthcoming Application for a Project Plan Amendment for a residential townhome development to be located at 2200 Tower Oaks Boulevard (“Property”).

**The Property**

The Property is within the PD-TO (Planned Development-Tower Oaks) zone and is generally located on the east side of Tower Oaks Boulevard, 460 feet south of its intersection with Wootton Parkway. The Property also includes a private access road connecting Tower Oaks Boulevard to Wootton Parkway, 400 feet east of its intersection with Tower Oaks Boulevard. The Property consists of approximately 6.1 acres (265,749 square feet) of land and is more particularly described as Parcel D, Block D, Tower Oaks, as shown on Plat No. 23507 recorded among the Land Records of Montgomery County, Maryland on October 27, 2006.

Existing improvements on the Property consist of: 1) a surface parking lot; and 2) the above-referenced access road running from Tower Oaks Boulevard to Wootton Parkway along the Property’s northernmost edge. The Property is otherwise unimproved. The unimproved areas of the Property are largely an open grassy lawn. There are also clusters of trees in the southeastern and southwestern corners of the Property.

**Surrounding Area**

Like the Property, all the surrounding land is within the PD-TO zone and is similarly part of the mixed-use, comprehensive planned development known as Tower Oaks. As noted in the 2040 Plan, Tower Oaks was originally planned to include “2 million square feet of office space, a hotel, restaurants, 275 dwelling units, and a 12-acre lake for recreational purposes and stormwater management. The original plan has been amended three times, eliminating the lake and altering the land use mix based on changing market trends, and has never been fully implemented.” 2040 Plan at p. 367. The parcel immediately to the north of the Property is improved with a high-rise office building. A stormwater management pond occupies the parcel to the Property’s immediate south. Abutting the Property to the east is a vacant parcel that is heavily wooded and will become City parkland. The parcel to the west and across Tower Oaks Boulevard, planned for commercial

development, is currently vacant and heavily wooded. Townhouse communities exist both to the north, across Wootton Parkway, and to the east along Preserve Parkway.

### **Previous Approvals**

The previous approvals for the Property are as follows:

- Comprehensive Planned Development Application CDP-1-25 (“CPD”): The Mayor and Council initially approved the CPD on October 12, 1987 by Resolution No. 25-87. The CPD has been amended three times since its original approval.<sup>1</sup> Currently, the CPD allows for a 300-room hotel and 75,000 square foot fitness center on the Property.
- Comprehensive Planned Development Detailed Application CPD2005-0001M (the “Detailed Plan”): The Planning Commission approved the Detailed Plan on January 9, 2006. Like the CPD, the Detailed Plan allows for the development of the Property with a 200-room hotel, 100 hotel residences and 75,000 square foot fitness center with underground parking.
- Minor Site Plan Amendment No. STP2012-00102 (the “Site Plan Amendment”): The Chief of Planning approved the Site Plan Amendment on October 2011. The Site Plan Amendment allows for a temporary surface parking lot on the Property. The parking lot was intended to serve the north-adjacent office building until an underground parking structure associated with the hotel could be constructed.

The City of Rockville’s (“City”) Zoning Ordinance (“Zoning Ordinance”) requires a Project Plan approval by the Mayor and Council in order to add new uses not provided for in the PD-TO governing documents and for other substantial deviations from the approved development. Zoning Ordinance § 25.14.07(e)(1). The governing documents for the PD-TO zone include the City Zoning Ordinance, as well as the resolutions approving the CPD and amendments thereto. Zoning Ordinance § 25.14.27(a). As noted above, the CPD allows for a 300-room hotel and a 75,000 square foot fitness center on the Property. The Tower Oaks planned development was originally intended to center around approximately two million square feet of office use and the approved hotel and fitness center were intended to support and complement the extensive planned office development. However, the vast majority of the approved office density has not been constructed, and market demand for the hotel and fitness center has not materialized. In Area 5, a previously-approved office site was recently replaced by 217 townhouses, 30 single family detached, and 128 multi-family units. Accordingly, the forthcoming Project Plan Amendment proposes to amend the approved Concept Plan (now called a Project Plan) and PD-TO governing documents to add an additional potential residential use to the 300-room hotel and 75,000 square foot fitness center. This residential use is embodied in the plan for up to 86 townhomes, including 15 percent moderately priced dwelling units (“MPDUs”).

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<sup>1</sup> The CPD has been amended by: 1) Resolution No. 21-93 (approved September 27, 1993); 2) Resolution No. 1-01 (approved January 8, 2001); and 3) Resolution No. 20-16 (approved August 1, 2016). Zoning Ordinance § 25.14.27(a).

## **Project Description**

The Applicant proposes to improve the Property with up to 85 townhomes served by a network of public streets and private alleys. As noted, 15 percent of the townhomes will be MPDUs. Additionally, the townhomes will vary in size to serve a variety of families.

As shown on the Preliminary Site Plan included with this Application, the townhomes will front on public streets or open space. This orientation will result in an urban feel within the community and will activate the adjacent areas. While the majority of the townhomes will have rear-loaded garages accessed via public alleys, the townhomes that form the periphery of the community will be frontloaded due to site constraints.

An approximately 16,000-square foot open space will be provided in the heart of the Project. All residents of the community will have sidewalks connecting them to this open space. Townhomes will line this central open space, making it feel safe and inviting and creating a gathering space for residents.

Access to the Project will be provided via a new public street connecting to Tower Oaks Boulevard and via the existing access drive extending to Wootton Parkway. Along the Project's frontage, the proposed street will have two travel lanes with bicycle and pedestrian facilities on either side<sup>2</sup>. Overall, the proposed condition will allow for safe and efficient bicycle, vehicular, and pedestrian access to the Project, office buildings, restaurants, and other residential communities in Tower Oaks.

## **Compliance with Development Standards**

Within the PD-TO zone, development must adhere to either the approved development standards in the governing documents or the equivalent zone standards. In this case, the equivalent zone is the MXE zone. Zoning Ordinance § 25.14.27(b)(1). The Project's compliance with the applicable development standards of the MXE zone is detailed on the data table shown on the Preliminary Site Plan.<sup>3</sup>

## **Schools**

Bayard Rustin Elementary School, Julius West Middle School, and Richard Montgomery High School will serve the Project. For FY2023, capacity is adequate for both Bayard Rustin Elementary

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<sup>2</sup> During initial meetings with City Staff, an inquiry was made as to why the proposed bicycle lanes could not extend up the access drive to Wootton Parkway. The explanation is included in the PAM submission. In sum, existing constraints, obstructions, and grade issues would make such an extension infeasible and, even if constructed, such paths would not as safely connect to the Millennium Trail as the fully-signalized intersection of Tower Oaks Boulevard and Wootton Parkway.

<sup>3</sup> Due to the single-family attached nature of the proposed development, certain RMD-10 zone standards may also be applicable, which will be addressed at the time of Site Plan.

School (96.2% capacity) and Julius West Middle School (95.3% capacity).<sup>4</sup> While capacity is inadequate at Richard Montgomery High School (125.3%) under the FY2023 School Test, it is anticipated that the construction of the new Crown High School will ameliorate this deficiency and create enough capacity to accommodate the Project.

## **Traffic**

Included with the Application is a CTR scoping form. The Adequate Public Facilities determination for the CPD contained in Resolution No. 1-01 remains valid and in effect pursuant to Sec. 25.20.03.a.3 of the Zoning Ordinance. The Project will result in a reduction of 202 AM and 405 PM trips per day as compared to the hotel and fitness center approved for the Property, as shown on the CTR scoping form. Therefore, no new Adequate Public Facilities determination for traffic is required.

## **Rode Code Waivers**

The Applicant will be requesting several Road Code Waivers in order to accommodate site constraints and existing conditions on adjacent properties. The requested waivers are as follows:

- A waiver from the City's Standard Roadway Section for a Secondary Residential Street to allow for reduced right-of-way and pavement widths for Public Streets A, B, and C. Specifically, a Secondary Residential Street is required to have a total right-of-way width of 62', consisting of 12-foot travel lanes, 7-foot parking lanes, two 8-foot buffers, and two 5-foot sidewalks. Public Streets A, B, and C are proposed as follows:
  - Public Street A: a total right-of-way width varying between 40'+/- and 72'+/-, consisting of varying sections as described below:
    - 72'+/- right-of-way consisting of three travel lanes (two in one direction, one in other direction separated by a median) with width varying from 12' to 20'+/-, two 5-foot bike lanes, a 7-foot buffer and a 5-foot sidewalk; transitioning to
    - 68'+/- right-of-way consisting of two 12-foot travel lanes (one each direction separated by stripping area of varying width), two 5-foot bike lanes, two 7-foot buffer and two 5-foot sidewalks; transitioning to
    - 60'+/- right-of-way consisting of two 12-foot travel lanes (one each direction), two 5-foot bike lanes, a 7-foot +/- buffer and a two 5-foot sidewalks; transitioning to
    - 40'+/- right-of-way consisting of two 12-foot shared use travel lanes +/- (one each direction), a 6-foot +/- buffer and a 5-foot +/- sidewalks;

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<sup>4</sup> See the Growth and Infrastructure Policy FY 2022 School Test ([https://montgomeryplanning.org/wp-content/uploads/2021/06/AttachmentA\\_FY22\\_AnnualSchoolTest.pdf](https://montgomeryplanning.org/wp-content/uploads/2021/06/AttachmentA_FY22_AnnualSchoolTest.pdf)).

- Public Street B: a total right-of-way width of 55 feet, consisting of two 11-foot travel lanes, a 7-foot parking lane, an 8-foot buffer (both sides), and a 5-foot sidewalk (both sides); and
- Public Street C: a total right-of-way width of 55 feet, consisting of two 11-foot travel lanes, a 7-foot parking lane, an 8-foot buffer (both sides), and a 5-foot sidewalk (both sides).
- A waiver to allow for existing private utilities, including dry utilities and a grease trap, to remain within the right of way of Public Street A.<sup>5</sup>
- A waiver to allow for deviations from the paving requirements for Public Street A. The existing paving consists of 2” bituminous surface course, when code requires a 3” course, and a 6” graded aggregate base course is existing, when only a 4” course is required.
- A waiver to allow for the existing triangular island (pork chop) to remain within the Public Street A right-of-way at its intersection with Wootton Parkway.
- A waiver to allow for a brick edge along all internal sidewalks, except those along Public Street A.

The Applicant will provide formal detailed justifications for the above-listed waivers with the Project Plan Amendment application submittal.

### **Parking Adjustment – 2000 Tower Oaks Boulevard**

The existing surface parking lot on the Property serves the adjacent office building located at 2000 Tower Oaks Boulevard, and, as noted above, the Project proposes to eliminate this parking area. Specifically, with the removal of this lot, parking for the office building will be reduced from the overall maximum of 650 parking spaces (required under applicable Zoning Ordinance provisions for shared uses) to 535 parking spaces. As part of the upcoming Project Plan Amendment application, 2000 Tower Oaks Boulevard, LLC will therefore also be filing a request for flexible parking standards pursuant to Section 25.16.03.h.1 of the Zoning Ordinance to allow all parking for the building to be provided exclusively in the existing garage and surface spots on the 2000 Tower Oaks Boulevard property.

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<sup>5</sup> Pursuant to Section 25.17.03(a) of the Zoning Ordinance, utilities may be placed within the right-of-way only with the express written permission of the City. The Applicant requests that such permission be granted.

While fuller justification for the adjustment, including a formal Parking Ratio Analysis and Comparison Study, will be submitted with the Project Plan Amendment application, the parking adjustment is warranted due to a number of factors. First, studies show that the existing parking provided at 2000 Tower Oaks Boulevard is sufficient to meet existing and future parking demand for the office building without the need for any off-site parking. This conclusion is supported by comparable parking ratios from neighboring jurisdictions, the Urban Land Institute's 3<sup>rd</sup> Edition Shared Parking Model, and empirical parking data demonstrating that parking demand at 2000 Tower Oaks Boulevard is less than that of the currently provided supply relative to current levels of occupancy. Additionally, the property is served by three or more bus routes in the immediate vicinity, and is proximate to significant bikeways, including a shared-use path along Tower Oaks Boulevard and the Millennium Trail along Wootton Parkway. Finally, and in addition to all the information noted above, post-pandemic parking demand patterns indicate a shift towards more spacious floor plans and more flexible work and commuting schedules, which will further lessen the demand for parking.