

JUSTIFICATION STATEMENT

**Rockshire
2401 Wootton Parkway, Rockville, Maryland
Project Plan Amendment**

July 11, 2023

On behalf of EYA, LLC (the “Applicant”), please accept this application for a Project Plan Amendment (the “Application”) for the Rockshire Village Center property, located at 2401 Wootton Parkway in Rockville (the “Property”).¹ The Application is submitted pursuant to Sections 25.14.07.e and 25.07.01.a of the 2008 Zoning Ordinance of the City of Rockville, as amended (the “Zoning Ordinance”).

The Application proposes to update and amend the Planned Development Governing Documents for the Rockshire Planned Residential Unit Development (the “PRU”), so as to allow commercial and residential uses on the Property. This change in the designated land uses under the PRU is associated with the proposed redevelopment of the existing, vacant shopping center on the Property with a mix of single-family residences, residential townhomes, and a building for neighborhood-serving retail uses (collectively, the “Project”), all of which will be the subject of a forthcoming Site Plan application. The Project will provide 15 percent of its total residential dwelling units as Moderately Priced Dwelling Units (“MPDUs”) (to be located within the townhome component), as well as private parking spaces and visitor parking spaces, amenities for both the general public and residents including a community gathering area in the vicinity of the proposed retail building, and related improvements that are typical for residential communities (e.g., neighborhood streets, sidewalks, landscaping).

As explained below, the Application is consistent with the recommendations of the Rockville 2040: Comprehensive Plan Update as approved by the City's Mayor and Council on August 2, 2021 (the “Comprehensive Plan”), and all applicable Zoning Ordinance provisions.

I. PROPERTY DESCRIPTION, ZONING, AND BACKGROUND

The Property is a record lot with approximately 318,968 square feet of tract area (or approximately 7.32 acres). Like the surrounding PRU, which includes neighboring single family homes, attached townhomes, and community uses including a church and a pool, the Property is zoned PD-RS (Rockshire). As described in Section V herein, pursuant to Sections 25.14.07(d)(3)(a) and

¹ The Applicant is the contract purchaser of the Property, and has been duly authorized by the current ownership – Community Associates, LLC – to submit this Application.

25.14.08(b)(1) of the Zoning Ordinance, the MXNC Zone is the designated equivalent zone applicable to the proposed residential redevelopment of the Property, given the Property's designation as the commercial development area of the PRU.

The Property is located in the southeastern quadrant of the Wootton Parkway and Hurley Avenue intersection. Existing townhomes adjoin the Property to the south, and single-family homes confront the Property to the north and west across Hurley Avenue and Wootton Parkway, respectively. The Wootton Parkway right-of-way on the western border accommodates the Carl Henn Millennium Trail along the Property's frontage (the "Millennium Trail"). The Korean Presbyterian Church and the Rockshire Community Pool, which shares 29 existing surface parking spaces on the Property pursuant to a recorded license agreement, adjoin the Property on the east.

The Property is currently improved with a one-story retail shopping center that was constructed in the 1970s, and an accessory surface parking lot.² The existing shopping center has been vacant for many years, beginning with the closure of its anchor tenant Giant Food in 2012 and followed thereafter by the departure of smaller remaining tenants. As discussed in greater detail in Sections III and IV of this Statement, due to changes in market conditions and the emergence of other retail centers in the surrounding area, larger retail spaces are no longer viable on the premises. However, given the strong demand for new housing in the City, the Property now provides a strategic opportunity for new housing that can be achieved via the change in land use from commercial to mixed-use, consistent with the Comprehensive Plan.

II. PROJECT DESCRIPTION

The Application proposes to amend the PRU's Planned Development Governing Documents to change the current commercial designation for the Property to a commercial *and* residential designation. The proposed change in use will facilitate the future redevelopment of the currently vacant site with a more active, compatible, and economically productive residential community with a neighborhood-serving retail building. More specifically, the Application proposes the following:

- Redevelopment of the Property with up to 31 single unit detached dwellings and 29 residential townhomes, including 15 percent of the total units as MPDU's (to be located within the townhome component) and with private parking spaces for all units, along with a retail building with up to approximately 5,500 square feet of gross floor area.

² Records of the Maryland Department of Assessments and Taxation indicate that the existing shopping center on the site provides approximately 51,862 square feet of above-grade floor area. The existing building will be demolished in connection with redevelopment.

- Provision of new public open spaces including but not limited to a community gathering space in the vicinity of the proposed retail, which will serve as an amenity for both the general public and residents. This space will include gathering areas, an open lawn area for passive and active recreation, a playground space, and seating areas throughout the space.
- Additional common open space areas with elements including but not necessarily limited to landscaping, lighting, and sidewalks.
- Provision of additional on-site parking spaces, including 30 spaces for the adjacent Rockshire Community Pool, to replace existing swimming pool parking spaces that are provided on-site pursuant to a license agreement.
- Public roads, private alleys, stormwater management facilities, on-street visitor parking spaces and other necessary infrastructure for residential development.

The Application proposes single family detached homes with rear-loaded garages arranged along private alleys. The homes will front streets and open space mews providing walkability throughout the community. The single family homes will be designed in a transitional gable and hip roof style with exterior materials, detailing, and architectural treatments intended to ensure compatibility with the surrounding community.

For the townhomes, the Application proposes rear-loaded units arranged along private alleys and open spaces that will be constructed on-site. The townhomes will be designed in a flat roof style with exterior materials, detailing, and architectural treatments intended to ensure compatibility with the surrounding community. As stated above, the Project will provide MDPU's in accordance with applicable requirements.

As discussed in Section IV below, the Comprehensive Plan recommends amending the approved PRU for the Property to allow residential uses, if the proposed residential development also includes neighborhood-serving retail and/or community gathering space that will be an asset to the broader community beyond the site. To address this recommendation as well as applicable development standards, the Project proposes to provide the following: (i) a new, stand-alone retail building with up to approximately 5,500 square feet of gross floor area that could accommodate multiple tenants; and (ii) new on-site open space – up to approximately 96,407 square feet ($\pm 36.4\%$) – with approximately 19,539 square feet ($\pm 7.3\%$) of public open space, including a new community gathering space in the vicinity of the proposed retail building. The retail building has been designed in a single story massing with traditional materials to reinforce its neighborhood-serving characteristic. The trash enclosure will be located in the rear of the building so as not to be visible from the public streets or community gathering space.

The community's gathering space extends the retail environment into an urban park-like setting, with opportunities for learning, play, gathering, and quiet contemplation for all. A hardscape seating area works as a corridor to connect the retail promenade and park, encouraging users to "filter" easily between the two outdoor spaces. The park's boardwalk – envisioned to be elevated above the wetland plant material for a more immersive and genuine "nature" experience – creates a unique park feature from required bioretention. Opportunities for seating and art can both be considered, and interpretive signage could educate park users about the space's working landscape and how it improves local ecology and stormwater management. A nature-inspired play space could leverage the park's grade change to provide opportunities for slides, rock scrambles, and seating for adults. The park's multi-use lawn provides a flexible space for informal sports play, recreation, and community events.

Park materials are intended to be more naturalized, then transition to a more refined character in the retail promenade space. Commonality in color palette, landscape character, and material type (potentially concrete, wood, and metal) will ensure that the two areas are visually cohesive.

With respect to transportation, the Project will be serviced by a newly constructed, interconnected public road that will utilize the existing accesses to Wootton Parkway to the west and a relocated access to Hurley Avenue to the north for ingress and egress to the site. The Property will be serviced by three nearby bus stops, connecting the Project to destinations in the nearby community.

With respect to parking, garages and driveways will be provided for each residential unit in a two-car garage, which will be accessed from new private alleys that will be constructed throughout the site. Visitor parking will be located along the new public street, in accordance with City requirements. In addition, two surface parking lots will provide parking for the neighborhood-serving retail building. In accordance with an existing license agreement between the Rockshire Village Center and the adjacent Rockshire Community Pool, the surface parking lot located in the eastern area of the Property in the vicinity of the Pool will also provide additional parking spaces that will be available for pool use during its operating season in accordance with the terms of the applicable license agreement (and available to retail patrons and visitors at other times). The Project will provide 30 parking spaces for pool use, fully replacing the 29 parking spaces that are currently licensed for this purpose. With these features, parking for the Project will exceed applicable Zoning Ordinance requirements.

Sidewalks and streetscaping will be provided throughout the site to facilitate pedestrian circulation through the community and within the new community gathering space near the retail building, with connections to the adjacent Millennium Trail and the Rockshire Community Pool. The Project also proposes new street trees and landscaping to complement existing trees on the site and

along Wootton Parkway and Hurley Avenue, enhancing these connections as well as the character of the community.

The Property currently features a large, impervious surface parking area that was constructed many years ago, before modern stormwater management requirements. As a benefit of redevelopment, the Project will reduce the amount of impervious surface on the Property and provide much-needed stormwater management facilities. The project intends to meet the re-development requirements for stormwater management for both Environmental Site Design (“ESD”) and Channel Protection Volume (“CPv”) through a variety of measures. Per Section 19-2 of the City Code, the proposed development is considered “redevelopment” with existing site impervious area exceeding forty (40) percent. ESD facilities are proposed to include planter-box micro-bioretenention facilities. CPv measures are proposed to include underground storm vaults with storage and filtration systems. On-site 10-year Quantity Control (Qp10) will be supplemented via fee in lieu to meet the full requirements for the Property. WQv, Cpv and Qp10 for the adjacent Wootton Parkway and Hurley Avenue right of ways will be compensated via fee in lieu per City requirements. Fee-in-lieu will be calculated based on the approved plans utilizing the schedule of rates that are in effect at the time of the permit issuance.

Please note that the Application will be refined over the course of the City’s development review and approval process and, therefore, the Project may be subject to change prior to the Planning Commission’s final approval of the Site Plan.

III. JUSTIFICATION FOR CHANGE IN USE

The Project proposes to redevelop the existing vacant Rockshire Village Center for commercial and residential use, changing the land uses that are permitted currently on the premises under the PRU (which identifies the Property as the PRU’s commercial development area). Single-unit dwellings, townhomes, and retail uses are allowed in the MXNC zone – *i.e.*, the designated equivalent of the PD-RS Zone – as either conditional or permitted uses under applicable provisions of the Zoning Ordinance.³ However, the Zoning Ordinance requires the Mayor and Council to approve the Project Plan Amendment to address the proposed change in use (specifically, by amending the applicable Planned Development Governing Documents for the PRU to allow commercial and residential uses on the site). (See Zoning Ordinance Sections 25.14.07.e.1.c and 25.14.07.e.2.)

In this case, changing the approved land use for the Property is justified due to changes in local circumstances over time, and due to updated objectives for the Property set forth in the recently approved Comprehensive Plan. As stated above, the Rockshire Village Center was developed in

³ More specifically, Section 25.13.03 allows single-unit detached uses and townhouse dwelling uses as conditional uses, subject to the requirements of Section 25.13.04.a, as applicable. Section 25.13.03 also allows a variety of retail sales and service uses as conditional or permitted uses, depending on the specific use type.

the early 1970s as the commercial development area of the PRU. However, the existing retail shopping center has not been able to replace its anchor tenant since the closure of Giant Food in 2012 and has been vacant for many years. In 2015, the current owners of the Property consulted with Streetsense – a real estate consulting firm – to assess the Property and its viability for future retail. At that time (and again in 2020, in connection with an update to its initial study), Streetsense identified several factors as being hindrances to large retail uses at this location. Chiefly, Streetsense found that an insufficient market demand exists to support a new large anchor tenant, due to the close proximity of other competing retail centers in the local area. These competing retail locations include the following, among others:

- Fallsgrove Shopping Center, a 150,000 square foot community retail center developed in 2002 and located approximately 1.5 miles away from the Property. Fallsgrove Shopping Center features a Safeway grocery store, a Panera Bread, and Chipotle, along with fitness studios, salons, and other uses.
- Park Potomac, a multi-phase, mixed-use development located approximately 2.6 miles away. Park Potomac features a Harris Teeter grocery store as well as several restaurants and shops. The next phase of development will provide additional residential, retail, and office space.
- A Trader Joe's grocery store, located along Darnestown Road in the vicinity of the Property (approximately 2.2 miles away).

These competing commercial centers, coupled with the existence of other nearby retail, significantly limit the ability for the Rockshire Village Center to attract and maintain the kinds of large anchor tenants that are necessary to sustain smaller retailers on the site. In addition, the COVID-19 pandemic has significantly altered the retail market, decreasing demand for brick and mortar stores even where market conditions are more favorable.

While new retail uses face significant barriers to entry in the vicinity of the Property, the demand for new housing has continued to rise. For example, a 2019 report issued by the Metropolitan Washington Council of Governments concluded that by 2030, the region will require more than 75,000 additional households above the 245,000 units that local governments had previously planned for. For Rockville specifically, the City has estimated a future housing demand for nearly 10,000 new housing units by 2040, as documented in a 2016 "Housing Market Analysis and Needs Assessment" prepared by Lisa Sturtevant & Associates, LLC.⁴

Based on this information and other factors including regional job growth, a limited amount of remaining undeveloped land, and Rockville's desirability as a place to live and work, the City's Comprehensive Plan has embraced encouraging new housing as a priority. Among other things,

⁴ The Comprehensive Plan states that "Rockville's share of this expected new demand is approximately 8,600 new housing units by 2040, an increase to the 28,800 housing units in Rockville by 2020 to a projected demand of 37,400 housing units in 2040." See Comprehensive Plan, Pages 198-194.

the Comprehensive Plan specifically encourages residential uses at strategic locations where market demand for commercial uses has lapsed, including at the Rockshire Village Center (where it specifically prescribes a "Residential Flexible" land use designation to allow for new housing, as discussed in Section IV herein).⁵ (See Comprehensive Plan, Page 21).

For these reasons, the change of use proposed for the Property with the Application is adequately justified. Redeveloping the site for commercial and residential use will address the prolonged, ongoing vacancy of the existing retail center, which is unlikely to change in the foreseeable future. At the same time, it will directly address the City's goals of promoting new housing. Importantly, given the residential nature of the Rockshire community, this change in land use can be accomplished in a manner that preserves the integrity of, and is compatible with, the surrounding development.

IV. COMPLIANCE WITH ROCKVILLE 2040 COMPREHENSIVE PLAN

The Property is located within Planning Area 14 of the Comprehensive Plan, which applies to the Rockshire and Fallsmead communities. As described in Section III above, the Comprehensive Plan recognizes that the population of Rockville is expected to grow by almost 20,000 people between 2020 and 2040 and, consequently, supports allowing new opportunities for housing and more diversification in land use patterns to meet the increasing need for new residences. To this end, the Comprehensive Plan applies a "Residential Flexible" land use designation to the Property and sets forth a number of specific recommendations for future residential development, including the following:

- Zoning Recommendation: "Amend the approved planned development for the property to allow residential uses (presumably single-unit detached homes or attached townhouses/row houses) if the proposed residential development includes neighborhood-serving retail and/or community gathering space." (Comprehensive Plan, Page 378).
- Land Use Policy Map: ". . . Any new housing development should include neighborhood-serving retail space and/or provide a significant gathering space that would be an asset to the broader community beyond the site." (Comprehensive Plan, Page 378).
- Urban Design Recommendations: "Any new development at the Rockshire Village Center site should blend well with adjacent housing in terms of scale, massing, and height. Building heights adjacent and close to existing housing should complement

⁵ The Comprehensive Plan also specifically describes the depressed market conditions for retail at the Property, noting the development of nearby shopping centers and the low visibility of the site from Wootton Parkway as factors in the inability to retain retail tenants.

existing conditions. Building heights may be slightly taller along Wootton Parkway, along the perimeter shared with the church, and within the interior of the site . . . Parking for the Rockshire HOA swimming pool must be provided in close proximity to the path connecting the site with the pool." (Comprehensive Plan, Pages 378 - 379).

The Applicant has designed the Project to address these specific recommendations of the Comprehensive Plan for the Property, and to otherwise further its goals and objectives. As described in Section II above, the Application will facilitate the redevelopment of the existing vacant retail shopping center with a maximum of 31 single unit detached dwellings and 29 attached residential townhomes, each with private parking spaces and including 15 percent of the total units as MPDUs (to be located within the townhome component). The Application also proposes to provide a new retail building with up to approximately 5,500 square feet of gross floor area. New public open spaces will be provided, including a community gathering space with amenities that will serve as a new destination along the adjacent Millennium Trail and be an asset for the broader community beyond the site.

The Project will utilize building materials, exterior colors, and thematic stylings that complement the existing townhomes to the east of the Property. In addition, the Project will comply with applicable development standards for the MXNC Zone (as described in Section V below), so that the scale, massing and height of the new community are compatible with, and present an appropriate profile to, the adjacent townhomes to the south and the single-family residences across Wootton Parkway and Hurley Avenue. In these ways, the Project will achieve conformance with the Comprehensive Plan while also providing much-needed housing for the City.

V. COMPLIANCE WITH APPLICABLE EQUIVALENT ZONE DEVELOPMENT STANDARDS

Zoning Ordinance Section 25.14.07(d)(3)(a) provides that the development standards of the equivalent zone designation for a Planned Development Zone will apply to any portion of an approved Planned Development that is amended via a Project Plan Amendment application. Here, pursuant to Section 25.14.08(b)(1), the development standards of the MXNC Zone will be applicable to the Project, given that the Property previously has been designated as the commercial development area of the PRU.

a. Compliance with Applicable Development Standards

The Project complies with the applicable development standards for the MXNC Zone set forth in Section 25.13.05(b)(1) as follows:

Property Information		
Zoning (see footnote 1)	PD-RS/MXNC	
Tract Area (Parcel A)	318,968 SF	7.32 AC
Proposed Dedications	54,384 SF	1.25 AC
Site Area	264,584 SF	6.07 AC

Development Program		
Residential	up to	60
Dwelling, Single unit detached	up to	31
Dwelling, Townhouse	up to	29
Commercial and Office		
To be determined (permitted or conditional uses per table 25.13/13)	up to	5500

MPDUs	UNITS	%
Minimum Required	9	15.0%
Proposed	9	15.0%

Density	SF	FAR
Proposed Residential GFA	217,110	0.82
Proposed Non-Residential	5,500	0.02
Total	222,610	0.84

Building Height	Maximum Allowed	Maximum Requested
	45'	45'

Open Space	Minimum Required		Proposed (see footnote 2)	
Open Area (includes public use space)	10%	26,458 SF	36.4%	96,407 SF
Public Use Space	5%	13,230 SF	7.3%	19,529 SF

Lot width at front lot line	Minimum Required		Proposed (minimum)	
	10		10	

Building Setbacks	Minimum Required		Proposed	
Abutting public right-of-way	0', 10' if provided		10' minimum	
Side				
Abutting residential land	25' or bldg. hgt. whichever is greater		N/A	
Non-Residential abutting land	0', 10' if provided		10' minimum	
Rear	0'			

Abutting residential land	25' or bldg. hgt. whichever is greater	N/A	
Non-Residential abutting land	0', 10' if provided	10' minimum	

Parking	<i>Minimum Required</i>	<i>Proposed</i>
Residential		
Dwelling, Single unit (2 per unit)	62	62
Dwelling, Townhouse (2 per unit)	58	58
Visitor		
On-street	--	30
Surface Lot		
Rockshire Assoc. allocation (see footnote 3)	--	30
Visitor parking ratio (excludes commercial/retail allocation)		1.00 space per unit
Commercial and Office (see footnote 4)		
Permitted and/or conditional use per Sec. 25.13.02	28	28
Total	148	208

1. Pursuant to Sections 25.14.07(d)(3)(a) and 25.14.08(b)(1) of the Zoning Ordinance, the MXNC Zone is the designated equivalent zone that is applicable to the Property given its current designation as the commercial development area of the PRU.

2. Areas provided may be modified throughout entitlement process, but will always exceed the minimum required.

3. Per Rockshire Association License Agreement (L.4957 F.697). Parking only available to association members during summer swimming season operating hours (including 1 hour before and 1 hour after) and when community room is in use. Parking is available to this development as visitor and commercial outside of these times.

4. Minimum parking based on retail sales, trade, or merchandizing parking ration of 1/200 sf GFA.

Accessible Parking	<i>Minimum Required</i>	<i>Proposed</i>
On-Street Accessible Parking	2	2
Commercial	1	1
Rockshire Association/Visitor Lot	2	2

As the Application illustrates, the Project will also comply with the additional applicable development standards for the MXNC Zone set forth in Section 25.13.05(b)(c) concerning building access, MPDU compliance, and public use space.

As stated above, please note that the Project is subject to change as a result of the development review process. Therefore, the above development standards may be refined prior to final approval of the Site Plan.

b. Compliance with Additional Design Guidelines

To ensure high quality development in the Mixed-Use Zones, including the MXNC Zone, the Zoning Ordinance provides additional design guidelines in Section 25.13.06 that apply to new development. The Project is consistent with the intent and purposes of these guidelines, as applicable. The Project will redevelop a vacant retail site with an attractive and modern mixed-use development that will conform with, and complement, the neighboring townhomes. In addition, the Project will create new public use spaces that will provide opportunities for community gathering. These public use spaces will be accessible to pedestrians from Wootton Parkway, Hurley Avenue, and from the nearby Millennium Trail. The Project will continue to utilize two vehicle entrances – from Wootton Parkway and Hurley Avenue – to provide convenient access to the new public road that will be created within the development, as well as to additional private roads, alleys, and parking areas (including the 30 parking spaces that will be provided for the nearby Rockshire Community Pool and subject to the terms of the applicable license agreement). While the Hurley Avenue curb cut will shift southwest slightly from its existing location, the Wootton Parkway curb cut will remain in place with upgraded traffic signal equipment. Generous landscaping and sidewalks will be provided throughout the Project.

While specific details may be subject to change prior to final Site Plan approval, the Applicant anticipates that the Project will address these additional design guidelines as follows:

	SUMMARY OF REQUIREMENT	PROPOSED
<u>Aesthetic and Visual Characteristics for All Zones</u>		
Facades and Exterior Walls Including Sides & Backs [Section 25.13.06.b.1]	Avoid massive scale and uniform and impersonal appearance. Building walls greater than 100 feet should include projections, recessions and other treatments.	The single-family dwellings, townhomes, and retail building have been composed with many different façade designs intended to provide variety and articulation in the streetscape. For the residential units in the Project, each unique façade design utilizes various fenestration patterns and projections, multi-story 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.
	a. For any street frontage building, occupy at least 60% of street frontage with windows, arcades and awnings. Architectural treatment similar to front façade must be provided to the sides and rear.	See response above. All facades in high visibility locations will be designed with similar materials and architectural treatment as the front facades.

	b. Provide architectural features that contribute to the visual interest at the pedestrian scale.	See response above.
Roofs [Section 25.13.06.b.2]	Provide variations in rooflines. Roof features should complement the architectural and visual character of adjoining neighborhoods. Roof design should also include a light color surface or be planted with vegetation.	The townhome roofs have been designed with a more contemporary flat roof form with a variety of cornice treatments and heights, utilizing colored trim compatible with the architectural detailing of the surrounding community. The single family detached homes have been designed with gable and hip roofs, with massing and scale that also is consistent with the surrounding community.
Materials & Colors [Section 25.13.06.b.3]	a. Utilize building materials and colors compatible with those in adjoining neighborhoods.	The single family detached homes and townhomes 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. The trim materials will also be light toned with a predominance of white trim ensuring compatibility with the surrounding community. 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.
	b. Unless the exterior surface is covered, avoid tilt-up concrete, smooth-faced concrete block, prefabricated steel panels, and other similar materials.	No such materials are being proposed, therefore the Applicant is in compliance.
Items Allowed Not Facing A Public Street [Section 25.13.06.b.4]	The following items are allowed either on sides not facing a public street or in the rear yard: (a) window and wall air conditioners; (b) electric utility meters; (c) air conditioning compressors; and (d) irrigation and pool pumps.	Although this provision does not apply to the Project due to its location within the MXNC zone, all utility meters will be located on the front façades of the townhomes or on the side façades of the single-unit dwellings. Air conditioning compressors will be located in side yards or on the rooftops so as to not be visible from the street level. All exterior penetrations will also be located on the rears or roofs wherever possible, and painted to match the exterior building material.
Entryways [Section 25.13.06.b.5]	Provide highly visible entryways.	The homes 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.

Screening of Mechanical Equipment [Section 25.13.06.b.6]	Screen mechanical equipment to mitigate noise and views.	The air conditioning compressors will be located in side yards or on the rooftops so as to not be visible from the street level.
<u>Site Design and Relationship to Surrounding Community</u>		
Vehicular Access [Section 25.13.06.c.1]	In the MXTD, MXCD, and MXE zones, provide vehicular access from arterial, major or business district roads.	Not applicable, as the Property is zoned MXNC. Vehicular access to the Property will continue to be provided from the existing curb cut along Wootton Parkway (classified as a Minor Arterial), and from a relocated access point on Hurley Avenue (classified as a Major Collector).
Buffers [Section 25.13.06.c.2]	Provide visual and noise buffers to nearby residential uses.	Two rows of street trees, SWM plantings, and various shade trees are provided between the proposed development and the adjacent townhome development to the south. Dense landscape buffers are also provided between the adjacent institutional (<i>i.e.</i> , church and recreational) uses to the east.
Outdoor Sales & Storage [Section 25.13.06.c.3]	a. Areas for outdoor sales of products may be permitted if they extend the sales floor into which patrons are allowed free access.	Not applicable. There will be no outdoor sales of products on site.
	b. Outdoor storage of products in an area where customers are not permitted is prohibited.	Not applicable, see above.
Trash Recycling, Waste Oil/Grease Collection Area [Section 25.13.06.c.4]	a. Locate areas for trash, recycling, and waste oil/grease collection at least 50 feet from any residential use, zone, or property, or any street, unless such areas are enclosed.	The trash/recycling area of the Project is intended to be enclosed.
	b. Screen all trash, recycling, and waste/oil grease collection areas that are not enclosed or underground.	See above. The trash/recycling area of the Project is intended to be enclosed.
Parking Lots & Structures [Section 25.13.06.c.5]	a. Provide safe, convenient and efficient access.	Private parking will be provided for each residential dwelling unit and for the retail building, in addition to on-street visitor parking spaces around the site to provide safe and

		convenient access to the proposed residences. An additional 30 parking spaces will be available in the easternmost portion of the site for seasonal use by the adjacent Rockshire Community Pool, providing direct and convenient access for pool patrons. The pool parking spaces will be available for retail patron and visitor use, when not otherwise required under the applicable license agreement.
	b. Façades should be treated to achieve the same appearances as associated buildings.	Not applicable. No accessory buildings are proposed for parking purposes.
Pedestrian & Bicycle Flows [Section 25.13.06.c.6]	Provide for pedestrian accessibility, safety, and convenience.	The Project proposes a variety of new sidewalks, pathways and gathering areas that will provide for pedestrian accessibility, safety and convenience, including new connections to the adjacent Millennium Trail and Rockshire Community Pool.
Central Features & Community Spaces [Section 25.13.06.c.7]	Provide attractive and inviting pedestrian scale features, spaces, and amenities.	<p>The community's gathering space is envisioned to include a play space, multi-use lawn, hardscape seating areas, and a boardwalk nature area. The retail promenade is planned to incorporate thoughtfully-selected furnishings, movable planters, and overhead architectural elements to provide an attractive setting for shopping and dining. Both the park and retail promenade are visually connected to encourage a close relationship between the two and to create a comfortable, human-scaled pedestrian experience.</p> <p>Smaller seating spaces are also proposed throughout the community, as well as connections to existing surrounding land uses and amenities (such as Millennium Trail).</p>
Delivery & Loading Spaces, Hours of Operation [Section 25.13.06.c.8]	a. Design delivery and loading operations in accordance with Article 16, and locate so as to mitigate visual and noise impacts to adjoin residential neighborhoods.	Loading/unloading operations for the proposed retail use are intended to occur in the parking lot located adjacent to the neighborhood-serving retail building and will occur at least 100' from the nearest residence.
	b. Park delivery vehicles at least 50 feet from residential property.	As stated above, retail delivery vehicles will use the parking lot adjacent to the neighborhood-serving retail building for deliveries, which is

		located at least 100' feet from residential uses on-site.
	c. Screen or enclose delivery and loading areas.	Not applicable, given that the neighborhood-serving retail building does not require a loading bay. As noted above, retail delivery vehicles will utilize the parking lot adjacent to the neighborhood-serving retail building for deliveries.
Ancillary Uses [Section 25.13.06.c.9]	Any ancillary uses must 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.	The Project proposes a mixed-use commercial and residential development. To the extent that the neighborhood-serving retail building may be viewed as an ancillary use, we note that the building is internally located within the Project, surrounded by the proposed residential dwellings, open spaces, and public roads. The neighborhood-serving retail building is not oriented towards any adjacent residentially zoned uses.
Noise Abatement [Section 25.13.06.c.10]	Provide a noise mitigation plan indicating compliance with applicable noise regulations.	The Project orients active retail and community use areas away from adjacent residential uses, and otherwise provides landscaping screens and buffers that will lessen the impacts of on-site noises and activities on the surrounding uses, consistent with the City's Landscaping, Screening, and Lighting Manual. With these features, the Project is anticipated to comply with all applicable noise regulations.
Outdoor Lighting [Section 25.13.06.c.11]	Provide outdoor lighting in conformance with the City's Landscaping, Screening and Lighting Manual.	All proposed outdoor lighting will comply with the City's Landscaping, Screening and Lighting Manual, as applicable.
Landscaping [Section 25.13.06.c.12]	Provide landscaping in conformance with the City's Landscaping, Screening and Lighting Manual.	<p>The Project will comply with the requirements of the Landscaping, Screening and Lighting Manual (the "Manual"). All proposed landscaping and screening is in accordance with the provisions of the Forest and Tree Preservation Ordinance. Landscaping will be provided throughout the site in the form of perimeter buffers, parking lot buffers, park planting, residential lot planting, streetscapes, and bioretention areas.</p> <p>Plantings are anticipated to be primarily native, and species will be selected based on proven performance in the local environment. The plant</p>

		palette will include a combination of deciduous and evergreen trees and shrubs along with ornamental grasses, perennials, groundcovers, and turf. All bioretention plant species are planned to be native and highly tolerant of wet soils. Any trees proposed for bioretention areas will be specified as container-grown to minimize the risk of clay content in soils; all other trees will be specified as balled and burlapped. Street trees are specified with a 3-3.5" caliper for impact upon installation. Plant soils can be amended as necessary to encourage landscape durability, longevity, and performance.
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c. Compliance with Special Design Regulations

The Zoning Ordinance also establishes additional, special design regulations for individual mixed-use zones. For the MXNC Zone, the Zoning Ordinance requires the following for areas that are either currently developed, or recommended for development, primarily for neighborhood retail services. However, at the same time, the City primarily envisioned that its mixed-use zones – including the MXNC Zone – would accommodate larger, infill redevelopment at locations adjacent to the City’s major transit corridors (*e.g.*, Rockville Pike). Consequently, these special design regulations are not uniformly appropriate for application in certain equivalent zone locations like the PRU, given the surrounding residential and community uses.

To the extent that these special design regulations may be deemed applicable to the Project’s proposed retail building, the Project addresses each of these development standards as follows:

	SUMMARY OF REQUIREMENT	PROPOSED
Building Location [Section 25.13.07.e.1]	Buildings in the MXNC Zone should be located at or close to the front property line or the build-to line where required by the Plan.	The residential units are placed close to the front property lines. The commercial building, while not on a separate lot, is placed close to the street.
Uses by Floor [Section 25.13.07.e.2]	The ground floor may include both commercial and residential uses. The upper floors may contain additional commercial, residential, or a combination of uses.	Neighborhood-serving retail uses are anticipated within the proposed commercial building, which is one-story in height.
Façade [Section 25.13.07.e.3]	Along the front lot line, the building façade is normally a minimum of 15 feet high. Variations of up to five (5) feet are encouraged to achieve some variety in the façade appearance. Building facades taller than 35 feet should include an expression line at the first floor level, and a	The townhome façades have been designed with a more contemporary flat roof form with a variety of cornice treatments and heights, utilizing colored trim compatible with the architectural detailing of the

	defined cornice line at the top of the façade wall.	surrounding community. The single family detached homes have been designed with gable and hip roofs with massing and scale consistent with the surrounding community.
Fenestration [Section 25.13.07.e.4]	Fenestration is to be by framed individual windows. Continuous strip windows are discouraged unless they are used to maintain compatibility with existing contiguous projects.	The façades of the homes have been designed with ample fenestration utilizing multiple configurations of individual windows and full height doors, and multiple muntin patters to ensure a variety of compatibility with the surrounding neighborhood.
Sidewalks [Section 25.13.07.e.5]	Where sidewalks must be built new or rebuilt as part of redevelopment, they should comply with the provisions of Section 25.17.05.	Sidewalks will comply with the design standards in Section 25.17.05, or as permitted via latest City policies.
Parking [Section 25.13.07.e.6]	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 must be treated in the same manner as the primary building facades. All parking must be screened to prevent vehicle headlights from shining into adjoining residential properties.	As described above, no structured parking is proposed. Private parking will be provided for each residential dwelling unit and for the retail building, in addition to on-street visitor parking spaces around the site to provide safe and convenient access to the proposed residences. An additional 30 parking spaces will be available in the easternmost portion of the site for seasonal use by the adjacent Rockshire Community Pool, providing direct and convenient access for pool patrons. The pool parking spaces will be available for retail patron and visitor use when not otherwise required by the terms if the applicable license agreement.

d. Conditional Use Requirements

Finally, the Zoning Ordinance provides that single-unit detached dwellings are permitted in the MXNC zones as conditional uses, subject to the following requirements of Section 25.13.04.a:

25.13.04 – Special Regulations for Conditional Uses

- a. Residential – Where residential uses are permitted as conditional uses in a Mixed-Use Zone, other than the MXC Zone, they are only allowed in those areas of the zone recommended for such use in the Plan. The Planning Commission in approving such conditional uses shall establish such development standards as deemed necessary to render such uses suitable and compatible with the*

surrounding uses and in accordance with the intent of the Plan. In the Mixed-Use Commercial (MXC) Zone, multiple-unit dwellings are not permitted at the ground floor level.

In this case, the Comprehensive Plan recommends the Property for the "RF: Residential Flexible" designation, as the above-stated Zoning Ordinance provision requires.

VI. ADEQUATE PUBLIC FACILITIES

The Applicant's analysis indicates that there are adequate public facilities with respect to transportation, schools, fire and rescue, and water and sewer to accommodate the proposed Project, as described below.

a. Traffic

The Applicant's transportation consultants have confirmed that, whereas the previously approved development for retail with a grocery use was projected to generate 149 AM vehicle trips and 297 PM trips, the proposed residential use will generate significantly fewer trips. More specifically, as stated in the transportation consultant's Comprehensive Transportation Review ("CTR") report, the Project will result in -83 net new trips in the morning peak hour (-69 inbound, -14 outbound), -162 net new trips in the afternoon peak hour (-69 inbound, -93 outbound), and -161 net new trips in the Saturday peak hour (-71 inbound, -90 outbound)). As a result, the Project is not anticipated to increase traffic within the neighborhood from conditions that would exist if the shopping center was fully leased, and instead will result in a net reduction of vehicle trips.

Please note that, although a CTR report has been submitted with the Application to provide more detailed information about anticipated vehicle traffic associated with the Project, neither a traffic impact study nor transportation improvements would be required based on the projected net trip reduction described above.

b. School Capacity

The Project is located in the Thomas S. Wootton High School cluster and the Robert Frost Middle School and Fallsmead Elementary School districts. Based on an estimated maximum of 31 single unit detached dwellings and 29 residential townhomes, the Project is projected to generate 10 high school students, 8 middle school students, and 13 elementary school students. At this time, the Applicant understands that there is adequate capacity for each grade level to accommodate students from the Project based on the current City Adequate Public Facilities Supplemental School Data for FY2021 – 2026.

c. Fire and Rescue Services

Public facilities and services including police stations, firehouses and health care facilities will be sufficient following construction of the Project. The nearest police station serving the Property is the City of Rockville Police Station located at 2 West Montgomery Avenue. The nearest firehouse is Montgomery County First Station 32 – Travilah, located at 9615 Darnestown Road. The nearest hospital is part of the Adventist Healthcare Medical Center and is located at 9901 Medical Center Drive.

d. Water and Sewer Capacity

The Project will be served by public water and sewer systems, and electric and telecommunications services will also be available. Gas services will be available to the neighborhood-serving retail building.

The water and sewer services are Category W-1 and Category S-1 and are provided by the City. The Applicant will request adequacy determination letters, as required.

VII. PROJECT PLAN AMENDMENT – FINDINGS FOR APPROVAL

In accordance with Zoning Ordinance Section 25.14.07(d)(4)(e)(2), any amendments to the Planned Development Governing Documents for a comprehensive planned development require approval of a Project Plan Amendment application by the Mayor and Council. In this case, the proposed Project Plan Amendment satisfies all of the required findings for approval set forth in Section 25.07.01(b)(2) of the Zoning Ordinance, as follows:

- a. [Approval of the application will not] adversely affect the health and safety of persons residing or working in the neighborhood of the proposed development.*

The Project will replace a long vacant retail site with an attractive and modern mixed-use community that will not adversely affect the residents of, or visitors to, the neighboring residential community. Given the ongoing vacancy of the existing shopping center, the proposed development will improve safety in the community by bringing new residents and activities back to the long dormant property, which is otherwise unattended.

- b. Be in conflict with the Plan;*

As discussed in Section IV of this Statement, the Project complies with the Comprehensive Plan.

- c. Overburden existing and programmed public facilities as set forth in Article 20 of [the Zoning Ordinance] and as provided in the adopted adequate public facilities standards;*

As discussed in Section VI of this Statement, the Project will not overburden existing and programmed public facilities.

- d. Constitute a violation of any provision of this chapter or other applicable law;*

The Project will comply with all applicable provisions of the Zoning Ordinance and all other applicable laws.

- e. Adversely affect the natural resources or environment of the City or surrounding areas.*

The Applicant will provide stormwater management as well as additional landscaping and foliage on the site, where such improvements do not currently exist.

VIII. COMMUNITY OUTREACH

The Applicant held an initial required virtual pre-submission community meeting on September 28, 2021, in connection with an initial Pre-Application Meeting (“PAM”) application. In response to comments received from the local community and from the City of Rockville, the Applicant withdrew its initial PAM application for the Property, in order to continue to study options for redevelopment in accordance with the Comprehensive Plan and to incorporate input received from stakeholders. Based on these efforts, the Applicant updated its plans for the Project and submitted a new PAM application. A virtual pre-submission community meeting for this new PAM application was held on March 1, 2023. Details regarding this meeting, including minutes, have been submitted with the Application in accordance with the standards set forth in the Zoning Ordinance and the City's Development Review Manual.

The Applicant also has met informally with representatives of the Rockshire Homeowners' Association and members of the community throughout the period of its involvement with the Property, and continues to engage with those groups and any community members who desire to have ongoing discussions in a one-on-one or group setting.

Notably, the subject Application includes revisions and refinements that address feedback received over the course of the community outreach and PAM review process. Chiefly, the development concept has been refined since the original proposal, which envisioned an all townhome

community. The Project now includes a mix of single-family dwellings, townhomes, neighborhood-serving commercial space, open space, and related amenities. The grading of the site has been lowered so as to eliminate and/or reduce the heights of portions of the proposed retaining wall on the eastern side of the Project, to address comments about future wall maintenance. Curb lines at proposed on-site alley intersections have been altered to improve turning movements, and a wider sidewalk has been provided adjacent to Hurley Avenue. In addition, the Applicant has revised the Project to incorporate a playground and a second connection to the Millennium Trail, both in direct response to community feedback received. For additional details concerning these and other preliminary revisions to the Project, please refer to the Applicant's June 16, 2023 letter providing responses to comments received in the course of PAM application review.

IX. CONCLUSION

The Application represents the first step in addressing the prolonged vacancy of the Rockshire Village Center, and will be followed by a more detailed Site Plan application in the near future. The Application directly advances the goals and objectives of the Comprehensive Plan, which recognizes the strategic opportunity to change the land use of the Property from one that has become challenged (*i.e.*, entirely commercial) to another that is in high demand (*i.e.*, residential with neighborhood-serving retail). As discussed herein, the Project contributes to addressing the City's existing housing shortage, re-establishes a more viable retail use on the Property, provides a new community gathering space that will be a benefit to the surrounding community, and complies with all applicable requirements for the Zoning Ordinance for the MXNC zone and standards for Project Plan Amendment. For these reasons, we respectfully request approval for this Application.