

## JUSTIFICATION STATEMENT

**Rockshire**  
**2401 Wootton Parkway, Rockville, Maryland**  
**Site Plan No. STP2024-00493**

**May 31, 2024**

On behalf of EYA, LLC (the “Applicant”), please accept this application for a Level 2 Site Plan (the “Application”) for the Rockshire Village Center property, located at 2401 Wootton Parkway in Rockville (the “Property”).<sup>1</sup> The Application is submitted pursuant to Sections 25.14.07.e and 25.07.01.f of the 2008 Zoning Ordinance of the City of Rockville, as amended (the “Zoning Ordinance”), and is preceded by an approved Project Plan Amendment application (#PJT2024-00017) (the “Project Plan Amendment”).<sup>2</sup> The City’s Mayor and Council approved the Project Plan Amendment with conditions and associated waivers on May 20, 2024.<sup>3</sup>

The Application provides details for 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”). 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).

In connection with the Application, the Applicant is requesting a waiver under Section 4.d.3.c of the City’s *Landscaping, Screening and Lighting Manual* (the “Landscaping Manual”) for certain parking facility landscape buffering requirements in two discrete areas of the Project (specifically, from Section 4.d.a’s requirement for parking facilities adjoin a street right-of-way to provide a landscaping strip of at least 10 feet in width) (the “Landscaping Waiver”). Please refer to the Landscape Buffering Waiver Narrative included with this submission for more information about the Applicant’s request for relief from these Landscaping Manual provisions, where applicable to the Project.

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<sup>1</sup> 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.

<sup>2</sup> The Project Plan Amendment updated and amended 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.

<sup>3</sup> The Mayor and Council approved the following adjustments and waivers (collectively, the “Waivers”) in connection with the Project Plan Application: (i) a parking adjustment under Section 25.16.03.h.1 of the Zoning Ordinance to utilize the City’s flexible parking standards for the proposed development (the “Parking Adjustment”); (ii) a waiver pursuant to Section 25.14.07.d.4 of the Zoning Ordinance to allow alternate front, side, and rear setbacks for certain townhome units at interior locations within the Property in lieu of the setbacks required for the applicable designated equivalent zone, in order to facilitate the building placements shown on the proposed development plan (the “Designated Equivalent Zone Development Standards Waiver”); and (iii) a Road Code Waiver Request under Section 21-42 of the City Code for relief from certain technical specifications for roadways to end in a cul-de-sac if they do not connect with a City street (the “Road Code Waiver”), to allow a proposed dead-end alley for certain townhome units.

As explained below, the Application – including the requested Landscaping Waiver – is consistent with the recommendations of the *Rockville 2040: Comprehensive Plan Update* as approved by the Mayor and Council on August 2, 2021 (the “Comprehensive Plan”), as well as all applicable Zoning Ordinance provisions and all conditions of approval associated with the approved Project Plan Amendment.

## **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 IV herein, 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 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.<sup>4</sup> 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 at the time of Project Plan Amendment review, 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 consistent with the Comprehensive Plan.

Recognizing this strategic opportunity, the Mayor and Council approved the Project Plan Amendment on May 20, 2024, so as to amend the PRU’s Planned Development Governing Documents to change the commercial designation for the Property to a commercial and residential designation. The proposed change in use facilitates the future redevelopment of the currently vacant site with a more active, compatible, and economically productive residential community with a neighborhood-serving retail building.

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<sup>4</sup> 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.

## II. PROJECT DESCRIPTION

The Application proposes to redevelop the Property with the Project, which will provide a mix of single-family residences, residential townhomes, and a building for neighborhood-serving retail uses. Single-unit dwellings, townhomes, and retail uses all 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.<sup>5</sup>

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 MPDUs (to be located within the townhome component) and with private parking spaces for all units, along with a retail building with up to approximately 5,200 square feet of gross floor area.
- 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 MDPUs in accordance with applicable requirements.

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<sup>5</sup> More specifically, Section 25.13.03 allows townhouse dwellings by right, and single-unit detached 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.

As discussed during the review of the approved Project Plan Amendment, 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 5,200 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.

While no specific retailers or tenants have been determined for the neighborhood-serving retail building at this time, the Applicant and its consultants anticipate that potential uses could include an ice cream shop, a bodega, a salon, a wellness center, a restaurant, fast-casual dining, or other similar neighborhood serving retail use. The Project's surface parking areas, with the features described above, will be sufficient to accommodate the majority of these retail uses. However, because the Zoning Ordinance does not include an applicable parking ratio for smaller-scale, neighborhood-serving restaurant uses of the type that would be likely to occupy the neighborhood-serving retail building, the Zoning Ordinance technically would require additional parking spaces to be provided if the building is utilized fully for restaurant purposes. For that reason, the Mayor and Council approved the Parking Adjustment for the Property in connection with the Project Plan Amendment. The Parking Adjustment allows the Project to utilize the City's flexible parking standards if needed, so that a broad range of potential retail uses can be accommodated on-site at the time of leasing.

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-bioretenion 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.

### **III. 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. 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 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 5,200 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 IV 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.

#### **IV. 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 has been 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 and was amended pursuant to the approved Project Plan Amendment.

**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 adjusted by the approved Parking Adjustment to utilize the City's flexible parking standards for the Project, the approved Designated Equivalent Zone Development Standards Waiver, the approved Road Code Waiver, and the requested Landscaping Waiver. Please refer to the approved Project Plan Amendment application, and the Applicant's Landscape Buffering Waiver Narrative for more information.

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 25.13.03)			up to	5200
MPDUs			UNITS	%
Minimum Required			9	15.0%
Proposed			9	15.0%
Density			SF	FAR
Proposed Residential GFA			217,110	0.82
Proposed Non-Residential			5,200	0.02
		Total	222,310	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	36.2% 95,821 SF

Public Use Space	5%	13,230 SF	7.6%	20,298 SF
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Lot width at front lot line	Minimum Required	Proposed (minimum)
	10'	10'

Building Setbacks	Minimum Required	Approved (see footnote 3)		
		Detached	Attached	Commercial
Abutting public right-of-way	0', 10' if provided	9'	3'	12'
<b>Side</b>				
Abutting residential land	25' or bldg. hgt. whichever is greater	5'	0' or 3'	25'
Non-Residential abutting land	0', 10' if provided	13'	16.2'	10'
<b>Rear</b>				
Abutting residential land	25' or bldg. hgt. whichever is greater	30'	27.5'	29' (bldg. to bldg.)
Non-Residential abutting land	0', 10' if provided	n/a	29' (bldg. to bldg.)	n/a

Parking	Minimum Required	Proposed
<b>Residential</b>		
Dwelling, Single unit (2 per unit)	62	62
Dwelling, Townhouse (2 per unit)	58	58
<b>Visitor</b>		
On-street	--	25
Surface Lot		
Rockshire Assoc. allocation (see footnote 3)	--	30
Visitor parking ratio per unit (excludes commercial/retail allocation)		0.91
<b>Commercial and Office (see footnote 4)</b>		
Permitted and/or conditional use per Sec. 25.13.10	26	26
<b>Bicycle – retail building only</b>		
Short Term	4	6
Long Term	2	2
<b>Total</b>	<b>152</b>	<b>209</b>

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 adopted Mayor and Council Resolution No. \_\_\_\_\_.



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. Waiver provisions apply to full-service restaurants per adopted Mayor and Council Resolution No. \_\_\_\_\_.

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

As the Application illustrates, the Project also complies 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.

#### **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:

	<b>SUMMARY OF REQUIREMENT</b>	<b>PROPOSED</b>
<u><b>Aesthetic and Visual Characteristics for All Zones</b></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 Landscaping 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 Landscaping 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 Manual, as adjusted by the requested Landscaping Waiver in two discrete areas for certain parking facility landscape buffering requirements. All proposed landscaping and screening will be 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 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.</p>

### 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 defined cornice line at the top of the façade wall.	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 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	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

	the same manner as the primary building facades. All parking must be screened to prevent vehicle headlights from shining into adjoining residential properties.	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.
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#### **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.

#### **V. COMPLIANCE WITH PROJECT PLAN AMENDMENT APPROVAL CONDITIONS**

As noted above, the Mayor and Council approved the Project Plan Amendment application with conditions on May 20, 2024. The subject Site Plan application complies with the conditions of Project Plan Amendment approval as follows:

- 1. The proposed development will be designed and constructed in a manner consistent with the concept design, graphic conceptual representation, and all associated development tables included in the project plan set.*

As the Application materials show, the Site Plan is consistent with the concept design, graphic representation, and development tabulations included in the approved Project Plan Amendment application.

2. *Applicant must submit with the Level 2 site plan application a draft off-site parking agreement consistent with Section 25.16.03.J.1 for the proposed commercial/office parking.*

The Applicant has provided a draft off-site parking agreement with the Site Plan application for consideration and review.

3. *Prior to the demolition of the existing building, the Applicant must receive approval to demolish the building through the Evaluation of Significance process before the Historic District Commission.*

The Applicant's consultants intend to submit an application for the Historic District Commission's Evaluation of Significance process in the near future, in order to obtain approval prior to demolition of the existing building on the Property.

4. *The Applicant must provide a minimum of one electric vehicle (EV) charging station on-site. The final location of the EV charging station will be coordinated with staff during the review of the Level 2 Site Plan and approved with the Level 2 Site Plan. Additionally, all residential units should be equipped with EV ready rough-ins prior to home occupancy.*

The Site Plan has been revised to include an electric vehicle ("EV") charging station in the retail parking lot of the Project. The Project's residential units will be provided with EV-ready rough-ins.

5. *The thirty (30) parking spaces designated as "Rockshire Association Parking/Visitor Parking" on the project plan site plan Parking Exhibit shall be used in accordance with the License Agreement recorded at Liber 4957, Folio 697, as may be amended.*

The Site Plan provides 30 parking spaces for pool use in the surface parking lot in the eastern portion of the Property near the Pool, fully replacing the 29 parking spaces that are currently licensed for this purpose. These parking spaces will be subject to the existing license agreement between the Rockshire Village Center and the adjacent Rockshire Community Pool, and 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).

6. *A management plan from a certified arborist will be required at the time of Site Plan and/or Final Forest Conservation Plan (FFCP) approval. This management plan shall detail best management practices for the duration of construction through the final occupancy permit along the property lines including areas adjacent to the Millenium Trail on Wootton Parkway to minimize impacts to adjacent trees.*

A management plan is included with the Application materials.

7. *The Applicant must apply for a waiver consistent with section 4.d.3(c) of the Landscape, Lighting, and Screening Manual if necessitated by the final Landscape Plan. The waiver must be approved before or concurrently with site plan approval.*



The Landscape Waiver application is being submitted with the Application, for concurrent review and approval with the Site Plan.

8. *At the time of site plan submission (or before), the Applicant must submit a final forest conservation plan (FFCP) that meets the minimum requirements approved with the preliminary forest conservation plan (PFCP) for the proposed limits of the site plan.*

The Final Forest Conservation Plan (“FFCP”) is being submitted with the Application, for concurrent review and approval with the Site Plan.

9. *The Applicant must adhere to and meet all requirements of the PFCP approval letter in preparation for submittal and approval of their FFCP.*

The FFCP addresses the requirements of the Preliminary Forest Conservation Plan (“PFCP”) approval letter.

10. *Painted curbs for Fire Department (FD) access with signage will be required. NFPA 1, 18.2.3.6.1.*

The Site Plan and the associated Fire Access Plan confirm that painted curbs with signage will be provided to satisfy applicable City standards.

11. *The commercial building will require a fire department key access box at a location that will allow entry into the entire structure. NFPA 1, 18.2.2.1. Provide calculations showing the required fire flows, per NFPA 1, Section 18.4. and documentation providing the anticipated fire flow provided on-site (at building plan submittal). NFPA 1, Table: 18.4.5.2.1.*

The Site Plan provides for a key access box for the commercial building, and the required calculations and documentation have been included with the Application. [VIKA: CONFIRM]

12. *Applicant must construct all proposed roads, private alleys, and public improvements within the Property per City standards and specifications, except as otherwise approved or waived. Minor deviations from the approved cross-sections require approval from the Director of Public Works at the Site Plan phase. The right-of-way for all public roads within the Property must be dedicated to public use in accordance with the Project Plan and exhibits and shall be reflected on a Final Record Plat.*

All proposed roads, private alleys and public improvements shown on the Site Plan will meet applicable City standards, except as otherwise approved or waived.

13. *Applicant must construct all necessary public improvements, including but not limited to street trees, streetlights, street light conduit, and traffic signals in accordance with all applicable City standards. Public improvements must be located within the right-of-way or within a Public Improvements Easement as approved by the Director of Public Works.*

All necessary public improvements will be constructed in accordance with applicable City standards, and will be located either within the right-of-way or within a Public Improvement Easement.

*14. Mayor and Council approval of the Project Plan does not constitute approval of the Grade Establishment for all proposed public roads. The Grade Establishment for proposed public roads A and B must be submitted for review with the initial Site Plan submission and must be approved prior to the Site Plan approval. The maximum slopes on public roads A and B and sidewalks within the rights-of-way of public roads A and B may not exceed 5.0% (4.8% to allow for construction tolerance) without prior approval from the Director of Public Works.*

The Grade Establishment for public roads A and B is being submitted with the Site Plan for approval.

*15. Applicant shall grant a Public Access Easement (PAE) across the entire width of the privately maintained alleys and grant Public Improvement Easements (PIE) adjacent to public rights-of-way for maintenance of public sidewalks as shown on the Project Plan and exhibits. Any deviation from the location of the PIE must be approved by the Director of Public Works at the Site Plan phase. The PAE and PIE must be reviewed and approved by DPW and in a format acceptable to the Office of the City Attorney and be recorded in the Montgomery County Land Records prior to DPW issuance of any Public Works (PWK) permit.*

All necessary public access easements for the privately maintained alleys and public improvement easements for maintenance of the public sidewalks will be provided prior to issues of any public works permit (“PWK Permit”) for the Project.

*16. The Applicant shall execute a Revocable License and Maintenance Agreement for the shared maintenance of Stormwater Management Facilities located within the public right-of-way. The agreement must be executed by the property owner and other parties of interest for review and approval by DPW and the Office of the City Attorney. The Revocable License and Maintenance Agreement must be authorized by the Mayor and Council and must be recorded in the Montgomery County Land Records prior to DPW issuance of any SMP permit.*

The Applicant will satisfy this condition prior to the Department of Public Works’ (“DPW’s”) issuance of a Stormwater Management Permit for the Project.

*17. Applicant shall comply with the conditions of DPW’s Pre-Application Stormwater Management Concept Approval Letter dated February 20, 2024.*

The Applicant will comply with the conditions of the applicable DPW Stormwater Management Concept Approval Letter.

*18. Applicant shall comply with the conditions of DPW's Water and Sewer Authorization Approval Letter dated February 20, 2024.*

The Applicant will comply with the conditions of the applicable DPW Water and Sewer Authorization Approval Letter.

*19. Applicant must obtain all necessary approvals and/or permits for all access points and utility connections proposed on the Project Plan from all agencies with jurisdiction, including the City of Rockville.*

The Applicant will obtain all applicable and necessary approvals and permits for access points and utility connections.

*20. Prior to the final approval of the Site Plan by the Planning Commission, the Applicant must clearly identify all existing easements and restrictions on the Property and clarify whether the easements will remain or be extinguished upon the complete build-out of the Project Plan. Mayor and Council must authorize the termination of any existing easement that is dedicated to the City of Rockville. Any termination of an easement dedicated to the City must be reviewed and approved in a format acceptable to the Office of the City Attorney and be recorded in the Montgomery County Land Records prior to issuance of any DPW permit. If required by the terms of any existing easement granted to an entity other than the City of Rockville, the Applicant must submit plans for work within the easement to the Grantee for review. Any proposed development activity within an existing easement will require the permission of the Grantee or the extinguishment of the easement. Written permission must be obtained prior to the final approval of the Site Plan by the Planning Commission.*

The Site Plan identifies the existing easements on-site that will be extinguished in connection with the construction of the Project. Please refer to Page SP-1.2 of the Site Plan for more information.

*21. Applicant must construct all proposed dry utilities underground within Public Utility Easements (PUE) unless otherwise permitted to be located elsewhere by the Director of Public Works. At the Site Plan phase, the Applicant must submit a conceptual dry utility plan to be approved by both the utility companies and the Department of Public Works.*

The Application includes a conceptual dry utility plan, for review and approval by DPW. Dry utilities will be placed underground within public utility easements.

*22. Before the approval of the site plan signature set, the Applicant must obtain City approval of the signing and pavement marking plans. All internal traffic control devices (e.g., signs, markings, and devices placed on, over, or adjacent to a roadway or walkway) to regulate, warn, or guide pedestrians and/or vehicular traffic must comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD).*

All internal traffic control devices will comply with applicable City requirements and standards, and the Applicant will obtain City approval of signing and pavement marking plans prior to Site Plan signature set.

- 23. Modifications to the traffic signal at the site's entrance on Wootton Parkway will require the submittal of a traffic signal plan. Before the issuance of the public works permit, the traffic signal plan for this intersection must be approved by the City. Required improvements include new detection added to the span wire for the Street B approach and new high-visibility crosswalks at the eastern and southern legs of the intersection.*

A traffic signal plan will be submitted for review and approval prior to issuance of any PWK Permit for the Project.

- 24. Before the issuance of any occupancy permits, the Applicant must pay the County's Development Impact Tax, as applicable, subject to the credits allowed by Montgomery County. The Applicant must submit a receipt of payment to the Inspection Services Division of the Department of Community Planning and Development Services and the Traffic and Transportation Division of Public Works.*

Applicable Montgomery County development impact taxes for the Project will be paid prior to issuance of any occupancy permits.

- 25. The Applicant must install light-emitting diode (LED) streetlight fixtures within the proposed development. The Applicant must obtain City approval of all streetlight materials and locations of lights with the issuance of the public works permit. Before the issuance of the public works permit, all conduit and underground infrastructure must be specified according to the current Pepco and/or City standards and must receive conceptual approval by Pepco.*

The Site Plan proposes LEB streetlight fixtures within the Project. Street lighting details will be reviewed and approved as part of the PWK Permit.

- 26. As part of the site plan review process, the Applicant shall designate an area along Alley B, conveniently located near Alley D in order to co-locate refuse and recycling for the six units proposed along Alley D. This area must be able to accommodate a minimum all necessary city approved bins for the six homes and shall be at least 100 sf in area. Furthermore, it must be written in the homeowner's association covenants that these residences shall utilize this designated area for their refuse and recycling pick-up area because the municipal trucks will not be able to traverse the dead-end alley.*

The Site Plan includes a designated area along Alley B for co-located refuse and recycling bins, with a minimum area of 100 square foot area. The Applicant will ensure that the applicable homeowner's association covenants address the use of the designated refuse area for the six residences located along Alley D, in proximity to the designated refuse area.

- 27. Prior to the issuance of an occupancy permit for the commercial building, the Applicant shall provide the required short-term and long-term bicycle parking in accordance with the rates and standards specified in the Zoning Ordinance. Based on the proposed development shown on the submitted site plan, the use shall have 4 short-term spaces and 2 long-term spaces.*

The Site Plan includes the specified number of short-term and long-term bicycle parking spaces.

- 28. The plan shows a dead-end Alley D. Approval of the project plan is contingent upon the Mayor and Council's approval of a Road Code Waiver under Section 21-42 of Chapter 21 of the Rockville City Code for acceptance of a dead-end alley.*

The Mayor and Council approved the Road Code Waiver on May 20, 2024, in connection with its approval of the Project Plan Amendment.

- 29. Prior to the issuance of any occupancy permit, the Applicant shall install sharrow markings along the Hurley Avenue frontage in the northeastern travel lane adjacent to the property, as well as "Share the road" signage.*

Sharrow markings and "share the road" signage will be installed prior to issuance of any occupancy permits.

- 30. At the time of the approval of the site plan, the Applicant must finalize the proposed sidewalk connections to the Rockshire Community Pool and coordinate with the church for a potential connection to the project site.*

The Applicant acknowledges this condition and will provide an update about the proposed sidewalk connections, including its coordination efforts with the adjacent property owner, with future resubmissions of the Site Plan.

- 31. The residential units constructed on the site must comply with the standards and requirements of the Rockville Moderately Priced Dwelling Unit Ordinance, Chapter 13.5 of the Rockville City Code and the implementing MPDU Regulations.*

The MPDUs in the Project will comply with applicable City standards and requirements.

- 32. The Applicant must provide 15% of the residential units as MPDUs, equivalent to 9 townhouse units.*

The Site Plan provides 15 percent of the total units as MPDUs, or 9 dwelling units. The MPDUs will be located within the townhome component.

- 33. The MPDUs must be income-tiered at three income bands ranging between 50%, 60%, and 80% of AMI.*

The Applicant acknowledges this condition and will provide the requisite income mix for the MPDUs in the Project.

*34. The minimum square footage for an MPDU townhouse with 3 bedrooms, 2 baths, and two-car garages must be at least 1,200 square feet.*

The Site Plan meets these minimum requirements, as demonstrated by the materials included with the Application.

*35. Required parking spaces must each meet the minimum dimension as required by the City of Rockville.*

The Site Plan meets these minimum requirements with respect to minimum parking space dimensions, as demonstrated by the materials included with the Application.

*36. The MPDUs should have exterior finishes that are indistinguishable from the market-rate units.*

The exterior finishes of the MPDUs in the Project will be indistinguishable from the market-rate units, and all finishes will differ only as shown on the materials submitted with this Application.

*37. Before applying for any building permits, an MPDU Sale Offering Agreement must be approved by the Mayor and Council. To obtain a building permit, the Applicant must submit to the Division of Inspection Services, with the application of a permit, a written MPDU agreement approved by the Mayor and Council that provides the required number of moderately priced dwelling units.*

Prior to building permit application, the Applicant will obtain City approval for an MPDU Sale Offering Agreement.

*38. The HOA/Condo dues must not exceed 50% of the HOA/Condo dues of market-rate units.*

The Applicant acknowledges this condition.

*39. Any revisions to MPDU unit locations will be subject to the approval of the Department of Housing and Community Development.*

The Applicant acknowledges this condition.

*40. The Applicant must make HOA/Condo documents available for viewing at the sales office before the execution of any purchasing agreements.*

The Applicant will comply with the above condition prior to the execution of any purchase agreements for dwelling units in the Project.

*41. The Applicant must provide the list and location (site map) of all the MPDUs as shown on the approved plans.*

The list and location of all MPDU units is included with the Application materials.

*42. The Publicly Accessible Art in Private Development requirement applies to this project. Applicant must submit a concept plan with the submission of a site plan application.*

The Applicant acknowledges that the Publicly Accessible Art in Private Development requirement applies to the Project. The Applicant intends to work with City staff to identify opportunities to address this requirement through the monetary contribution option that are appropriate to the scope of the Project.

*43. Prior to issuance of a building permit, the Applicant must complete and provide an application and required attachments including a final plan. The Publicly Accessible Art in Private Development application, implementation manual, and ordinance can be found here: <https://www.rockvillemd.gov/2081/Publicly-Accessible-Art>*

The Applicant will submit a Publicly Accessible Art in Private Development application for the monetary contribution option prior to building permit issuance.

*44. The approvals, development standards, and conditions contained in this Resolution apply only to the development of the Project and to the request on the Property.*

The Applicant acknowledges this condition.

## **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 was prepared at the time of Project Plan Amendment application review 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 FY2024 – 2029.

**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 the City has provided an adequacy determination letter, as required.

**VII. SITE PLAN – FINDINGS FOR APPROVAL**

In accordance with Zoning Ordinance Section 25.14.07(f), an approved planned development must be implemented through approval of one or more site plans, in accordance with the requirements for a level 2 site plan established in Article 7 of the Zoning Ordinance. In this case, the proposed Site Plan satisfies the required findings for approval set forth in Section 25.07.01(a)(3)(b) of the Zoning Ordinance, which states as follows:

- b. A site plan that implements all or a portion of an approved project plan is deemed to meet the findings for approval so long as the site plan complies with the conditions and requirements of the approved project plan and where the application will not:*



- i. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood;*
- ii. Constitute a violation of any provision of this chapter or other applicable law; or*
- iii. Be incompatible with the surrounding uses or properties.*

As described in Section V herein, the proposed Site Plan complies with the Mayor and Council's conditions of approval for the Project Plan Amendment. Furthermore, as required, the Site Plan will not be detrimental to the public welfare, injurious to property or improvements in the neighborhood, violate the Zoning Ordinance or other applicable law, or be incompatible with surrounding uses or properties. Rather, the Project will replace a long vacant retail site with an attractive and modern mixed-use 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 at the present time.

The Project otherwise complies with applicable Zoning Ordinance provisions and other applicable laws and requirements, and will not constitute a violation thereof. To the extent that the Project utilizes the approved Waivers and the requested Landscape Waiver, the necessary criteria for waiver approval have been met. Finally, as described throughout, the Project has been designed to maintain compatibility with the surrounding uses and properties, and includes features that will benefit such uses (including the replacement of on-site parking spaces that will be available for pool use during its operating season in accordance with the terms of the applicable license agreement).

## **VIII. COMMUNITY OUTREACH**

The Applicant held an initial required virtual pre-submission community meeting for the Project 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, were submitted with the Application in accordance with the standards set forth in the Zoning Ordinance and the City's Development Review Manual.

In connection with the Project Plan Amendment application, the Applicant held post-submission area meetings with the community on August 2, 2023 (virtual), and on August 23, 2023 (in-person). The Applicant held additional meetings with the City's Transportation & Mobility Commission, the Bicycle Advocacy Committee, and the Pedestrian Advocacy Committee over the course of the development review process for the Project Plan Amendment. The Applicant also 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. The Applicant anticipates that a formal post-submission area meeting for the proposed Site Plan application will be held in the Summer of 2024, after the submission of the subject Application has been completed.

Notably, the subject Application includes revisions and refinements that address feedback received over the course of the community outreach, PAM review, and Project Plan Amendment application review processes. Chiefly, the development concept was refined from 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 was 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 were altered to improve turning movements, and a wider sidewalk was provided adjacent to Hurley Avenue. In addition, the Applicant 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 final step necessary to update the land use entitlements for the Property, in order to address the prolonged vacancy of the Rockshire Village Center. In doing so, 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 Site Plan approval.

For these and other reasons, we respectfully request approval for this Application.