

JUSTIFICATION STATEMENT**Pulte Home Company, LLC****5906 Halpine Road****PROJECT PLAN APPLICATION****October 17, 2023****Updated April 5, 2024**

Pulte Home Company, LLC (the “Applicant”) submits this Project Plan application for the proposed development of a residential community at the 1.51-acre property located at 5906 Halpine Road, Rockville, MD (the “Property”).¹ Specifically, the proposed Project Plan seeks approval for development of 36 two-over-two ownership units (condominiums) on the Property, in two rows, running parallel to Ardennes Avenue at the southwest corner of Halpine Road and Ardennes Avenue (the “Project”). The Project Plan application is submitted concurrently with a corresponding Floating Zone Map Amendment seeking reclassification of the Property to the Residential Flexible-Floating Zone (RF-FZ) in order to apply the uses and standards of the Mixed Use Neighborhood Commercial (MXNC) Zone in accordance with the recommendations of the *City of Rockville 2040 Comprehensive Plan* (the “2040 Comprehensive Plan”) for the Property. As demonstrated herein, the proposed Project Plan complies with the applicable development standards of the requested RF-FZ Zone, is consistent with the 2040 Comprehensive Plan, and satisfies the required findings for approval of a Project Plan.² Accordingly, the Applicant respectfully requests the Mayor and City Council’s approval of the subject Project Plan.

I. BRIEF DESCRIPTION OF SUBJECT ENTITLEMENT PROCESS

The Project Plan is being pursued in accordance with Text Amendment Application TXT2023-00261, adopted by the Mayor and Council on October 9, 2023 (the “ZTA”). The ZTA provides for a floating zone to implement the Comprehensive Plan recommendations prior to the City’s adoption of both a revised Zoning Code and a corresponding comprehensive rezoning. The ZTA requires an applicant to obtain approval to rezone a site and to obtain Project Plan approval from the Mayor and Council and Site Plan approval from the Planning Commission. As discussed in more detail below, the ZTA allows for the Applicant to pursue the development of the Property in accordance with the recommended MXNC Zone and to seek a waiver of relevant development standards – in this case the side yard setback and layback slope requirements of the MXNC Zone – provided the “Waiver of equivalent development standards” criteria are satisfied. Concurrent with this Project Plan application, the Applicant has filed a Map Amendment Application to rezone the Property from R-60 to RF-FZ. The Applicant has also filed the required Site Plan.

¹ The Property’s corner at Halpine Road and Ardennes Avenue is located due north. For purposes of orientation, this Statement of Justification describes the Property as being bounded by Halpine Road to the north, Ardennes Avenue to the east, the Alaire multi-family building to the south and the Cambridge Walk townhouse community to the west.

² Pursuant to Text Amendment Application TXT2023-00261 and as discussed in more detail herein, the Applicant is requesting a waiver of the side yard setback and layback slope for the proposed MXNC Zone.

II. PROPERTY DESCRIPTION, ZONING, AND SURROUNDING AREA

A. Existing Use & Conditions

The Property consists of 1.51 acres (65,577 square feet of gross tract area) and is currently improved with the Twinbrook Community Church that includes a 60-student child care center. The existing Twinbrook Community Church and child care center is housed in an aging one-story brick structure located in the northeastern portion of the Property. Due to a continuing decreasing congregation, the Church has determined it is time to “right-size,” by selling the Property and relocating to a smaller more appropriately sized facility. Landscaping, fencing, and a playground area are currently located to the north and west of the existing structure on-site. The remaining areas of the Property are improved with approximately 110 impervious surface parking spaces and concrete hardscape for pedestrian connections from the surface parking lot. Vehicular access to the Property is currently provided along both Halpine Road and Ardennes Avenue.

B. Zoning

The Property is currently zoned R-60. The 2040 Comprehensive Plan land use designation for the Property is residential flexible (RF) and the recommended zoning is Residential Medium Density-15 (RMD-15) or MXNC. The Floating Zone Map Amendment filed concurrently with the subject Project Plan proposes to rezone the Property to RF-FZ to accommodate the uses and standards of the MXNC Zone.

C. Surrounding Area

As a result of the Property’s location, the Project will serve as a transitional use, bridging the more intensive uses to the south and east and the lesser intensive uses to the north. The Property is bordered on the east by the four-story 55 foot tall, 240 unit multi-family Kanso Twinbrook residential rental project; on the south by the four-story Alaire multi-family building which is part of Twinbrook Station; on the west by the Cambridge Walk townhouse community, and on the north by the single-family homes located across Halpine Road. The Property is located less than 1,000 feet from the Twinbrook Metro Station.

III. PROPOSED PLAN

A. Architecture

The Applicant is proposing the development of a residential community consisting of 36 two-over-two ownership units. Each structure will contain two units, with one unit occupying the first and second floors, and the second unit occupying the third and fourth floors. In order to be most compatible with the surrounding architecture, and as explained more fully in Section VI, the Applicant is proposing a maximum height of 52 feet in order to accommodate a gable roof. In the event the Mayor and Council and Planning Commission determine that a height of 52 feet is not appropriate, the Applicant alternatively proposes a flat roof. Each unit will be provided two parking spaces – one space within the garage and one within the driveway outside the garage. The eastern row of units will be oriented toward Ardennes Avenue and the western row will be oriented westward with a pedestrian path along the western property line leading to the front doors of each of the units. Since the original proposal, and in response to comments by the adjacent Cambridge

Walk community, the Applicant has increased the western side yard setback to a minimum of 39.88 feet from the Property line in order to respect the existing forest conservation easement on the adjacent Cambridge Walk property and enhance the landscape buffer.

B. Parking and Access

Vehicular access is proposed along Halpine Road, with an internal central drive aisle providing access to each unit's driveway. The drive aisle includes a turnaround "hammer head" to facilitate on-site movements. Given that the Project only includes 36 units, a second site access point is not needed. Perhaps most importantly, the proposed design allows for the creation of a pocket park along the southeast corner of the Property that complements and supplements the existing pocket park at the corner of Higgins Place and Ardennes Avenue and allows for meaningful outdoor space to be provided in this area. The design also allows the Project to provide an uninterrupted frontage along Ardennes Avenue which emphasizes this orientation of the Project.

C. Open Space

In accordance with the applicable Zoning Ordinance requirements, the Project will provide 24,505 square feet of open area, well above the 15 percent requirement of 9,576 square feet, of which 6,486 square feet (10.1 percent) will be devoted to public use space. The public use space will be located along the entire Ardennes Avenue frontage of the Property anchored by a pocket park improved with pathways, benches and pedestrian-scale plantings for passive recreation proposed at the corner of Halpine Road and Ardennes Avenue and a second pocket park provided at the southeastern corner to supplement the existing open space. Additional open space featuring paved pathways, seating, and landscaping is also proposed for a combination of active and passive recreation along the western portion of the Property. This generous open space also provides a meaningful buffer to the Cambridge Walk townhouses.

D. Streetscape

The Project proposes several streetscape improvements along both its Ardennes Avenue and Halpine Road frontages. Specifically, the Project includes pedestrian infrastructure in the form of expanded sidewalks, new tree buffers, and dedication of right-of-way along Ardennes Avenue to meet the City's 82 foot width requirement. Along Ardennes Avenue, an eight foot wide continuous sidewalk will be provided, with a portion of the sidewalk along the southern end of the Property located on the Property (as opposed to within the right-of-way) and thus subject to a Public Improvement Easement. As described, the Property's frontage along Ardennes Avenue will also include accessible public use open space. A six foot wide sidewalk will be provided along the Halpine Road frontage of the Property.

IV. COMPLIANCE WITH 2040 COMPREHENSIVE PLAN

The Property is located within Planning Area 8, Twinbrook and Twinbrook Forest, and as noted is designated RF (residential flexible) on the Land Use Policy Map. The Property is designated as Area A9. Recognizing the urban infill nature of the site and the appropriateness of the Property for higher density housing, the Comprehensive Plan recommends that the Property be rezoned to either the RMD-15 Zone or the MXNC Zone, with a maximum height of 50 feet.

The Project is compliant with the Comprehensive Plan and satisfies several site specific recommendations and guidelines for focus Area 9:

- *Rezone the property from R-60 (Single Unit Detached Dwelling) to RMD-15 (Residential Medium Density) or MXNC (Mixed-Use Neighborhood Commercial) to allow for attached residential or multi-unit residential development and ancillary commercial uses (page 344).*

Comment: The ZTA provides that where the Comprehensive Plan recommends another existing zone (other than the RMD-15), that zone shall be the equivalent zone. As such, the Applicant is utilizing the ZTA to develop the Property consistent with the MXNC Zone. The proposed two-over-two product responds directly to the recommendation for attached residential or multi-unit residential development on the Property.

- *Allow a maximum height of up to 50 feet as an urban infill project within a quarter-mile of a high frequency transit station, the Twinbrook transit station (page 344).*

Comment: While the MXNC Zone allows a maximum height of 65 feet, the Comprehensive Plan recommends a maximum height of 50 feet. Recognizing that the Comprehensive Plan is a guide and not a statute, and as discussed more fully in Section VI. below, the Applicant recommends a maximum height of 52 feet in order to accommodate a gable roof, which appears more compatible with the architecture of the surrounding neighborhood. In the event, the Mayor and Council do not support the requested 52 feet in height, the Applicant proposes a flat roof that will not exceed 50 feet. The Project is an urban infill project within close proximity to high frequency transit at the Twinbrook Metro.

- *Any redevelopment of the property should provide a sensitive transition to the adjacent and confronting residential uses through height step-downs, massing, articulation, and landscaping (page 344).*

Comment: The Applicant is proposing a landscaped 39.88-foot (minimum) buffer along the side yard confronting residential uses. Varying façade materials, extrusions, and articulation are proposed to add visual interest and alter the massing of the proposed residences.

Additionally, the Project will further a number of the Comprehensive Plan's overall goals and objectives related particularly to housing and transportation, as follows:

- *Promote diversity in the supply of housing to meet market demand and the wide range of community needs and household incomes (page 198).*
- *Work with neighborhoods to promote small-scale infill and redevelopment projects that will diversify the housing stock lower per unit land costs for new housing, including townhouses, rowhouses, duplexes, triplexes, fourplexes, and small multiple-unit properties (page 199).*
- *Allow new housing in locations where amenities and infrastructure already exist, and that are compatible with the existing neighborhood (page 200).*

- *Utilize an approach to development review that seeks to reduce vehicle miles traveled and promote a shift to alternative modes of travel (page 72).*

Accordingly, the proposed Project Plan is compliant with – and advances the relevant goals, recommendations, and objectives of the Comprehensive Plan.

V. COMPLIANCE WITH MIXED USE NEIGHBORHOOD COMMERCIAL (MXNC) ZONE DEVELOPMENT STANDARDS

A. Subsection 25.13.05.b

The Project complies with the applicable development standards for the MXNC Zone set forth in Section 25.13.05.b:

	Required/Permitted	Proposed
Maximum Height (in feet)	Allows up to 65' with 15% open area	52'
Total Open Area Required	15% (9,576 SF)	24,505 SF (38.4%)
Public Use Space Required w/in Open Area	10%	6,486 SF (10.1%)
Minimum width at frontline	10'	256' Halpine Road 272' Ardennes Avenue
Setbacks Abutting Public Right-of-Way	None, 10' min. if provided	10' along Ardennes Avenue 10' along Halpine Road
Side Setback Abutting Residential	25' or height of building, whichever is greater	39.88' – See waiver discussion below
Side Setback Abutting Non-Residential Land	None; 10' min. if provided	N/A
Rear Setback Abutting Residential	25' or height of building, whichever is greater	N/A*
Rear Setback Abutting Non-Residential Land	None; 10' min. if provided	10' minimum

* The multi-family development to the south (rear) of the Project is zoned PD-TS, with an equivalent Zone of MXTD. As such, the residential setback does not apply.

Based on Subsection b.2.(c) and a height of 52 feet, the development must provide 15 percent open area and 10 percent public use space, which as indicated above, is proposed.

B. Requested Waivers

Recognizing that the equivalent zone development standards may not promote development consistent with the recommendations of the Comprehensive Plan and that these development standards will likely be revised in connection with the City's comprehensive revision to the Zoning Ordinance, Section 25.14.35e. provides the approving authority (in this case the Mayor and Council) with the authority to waive these standards. As explained below, strict compliance with the setback and layback slope requirements in this case would result in significantly sized setbacks that are unprecedented and contrary to the infill urban development concept recommended by the Comprehensive Plan.

Section 25.13.05.b.1 requires the Project to provide a side yard setback equal to the height of the structure. As noted, the proposed gable roof height is 52 feet. As it relates to the western property line, the Applicant seeks a maximum 12.12 foot waiver of the side yard setback requirement to accommodate the minimum side setback of 39.88 feet.³ Given that the side setback increases as the units move northward, the needed waiver is reduced for each unit moving northward, with the most northern unit exceeding the requirement with a setback of 52.9 feet. Section 25.13.05.b.2.(e) requires that the Project provide a 30 degree layback slope measured from the western Property line. A 13.8 degree waiver of the 30 degree layback slope requirement is sought to accommodate the proposed 43.8 degree layback slope. (See Attachment A). Strict compliance with the 30 degree layback slope requirement would force the structure to be setback 65.5 feet from the western property line, which is an unreasonably large setback between two relatively comparable structure types.

Section 25.13.05.b.2.(e) also requires that the Project provide a 30 degree layback slope measured from the property line on the north side of Halpine Road. A 5.3 degree waiver of the 30 degree layback slope requirement is sought to accommodate the proposed 35.3 degree layback slope (See Attachment B).

As demonstrated below, relief from the side setback and layback slope requirements is appropriate at this location and the Project satisfies the applicable waiver criteria:

(1) Whether the waiver of the development standard of the equivalent zone permits the application to meet the intent of the Plan;

Waiver of the MXNC side setback/layback requirements permits the Project to meet the intent of the Comprehensive Plan and provide an urban infill project in close proximity to transit with a maximum height of 52 feet. The Project provides a sensitive transition to the adjacent and confronting residential uses that are varied in style, as called for by the Comprehensive Plan. As proposed, the side yard setback is a minimum of 39.88 feet, which, given the proposed maximum 52 foot height of the Project and the surrounding uses, is a generous and appropriate setback. Moreover, compliance with the layback slope requirement would eliminate an entire building group – or 18 dwelling units – and severely undermine the Comprehensive Plan's goal of providing additional residential density at this location. Accordingly, waiver of this requirement promotes

³ It is recognized that if the gable roof design is not accepted, the needed setback waiver to accommodate a flat roof will be less than the requested 12.12 feet.

efficient land use with the addition of compatible, modest residential density at a desired location, in accordance with the Comprehensive Plan.

(2) whether the waiver of the development standard results in development that is compatible with development on adjacent properties;

The proposed 39.88 foot side yard setback is appropriate and compatible with the development on adjacent properties. Comparably-styled single-family attached units located in the adjacent Cambridge Walk community confront the property to the west, beyond the existing Forest Conservation Easement. The proposed waivers foster an appropriate setback between similar residential uses. To this end, the 39.88 foot setback, in conjunction with the proposed building group siting, context-sensitive architecture, landscaping and harmonious massing, promotes compatibility with the adjacent residential uses and results in a minimum setback between the structures on the Property and the Cambridge Walk community of 65 feet. Moreover, it is important to note that development of the Property in accordance with the RMD-15 Zone⁴ development standards would allow a maximum height of 40 feet and require a side yard setback of only 8 feet. Additionally, the layback slope requirements would not apply. In comparison, the Project is proposing an additional 12 feet of height (as permitted by the MXNC Zone) and is providing a side yard setback almost *five times* greater than the RMD-15 Zone setback requirement. Similarly, along the northern Property line the Project is setback 10.3 feet from the property line of the residences on the north side of Halpine Road and the distance between the Project and the existing residences is more than 92.3 feet. The distance provides a generous setback and ensures that the Project is compatible with the adjacent properties to the north.

(3) whether applying the development standard of the equivalent zone is consistent with good planning and design principles; and

The MXNC side yard setback requirement and the layback slope requirement are consistent with good planning and design principles in certain circumstances, but are not appropriate for the Project. The MXNC Zone development standard requiring a setback equal to the height of the building and the layback slope requirement requiring an even greater setback may be appropriate to address the adjacency of dissimilar building types (e.g. a 65 to 120 foot tall structure adjacent to a single family house). However, in situations where comparably-styled attached residential structures are located adjacent to one another, such as the Project, strict compliance with the setback requirements result in unnecessary and excessive setbacks contrary to current urban design guidelines and inconsistent with a general housing policy that encourages the construction of more residential units. A waiver from the MXNC Zone's setback and layback slope requirements is appropriate in this instance to allow for desired, moderate density at an infill site within an existing residential community.

(4) such other factors as the Approving Authority to reasonably deems appropriate.

The requested 12.12 feet of relief from the MXNC Zone's setback requirement and the requested 13.8 degrees and 5.3 degrees from the layback slope requirements to the west and north respectively are appropriate for the Project considering the overall context of the Project.

⁴ The alternative zone recommended by the Comprehensive Plan.

Foremost, a generous setback with a minimum of 39.88 feet between the Project and the adjacent townhouse community will be provided. Relatedly, this setback area will include substantial landscaping to supplement the existing landscaping currently located on the Property line, thus providing a significant buffer. Moreover, the required setback based on height fails to take into account that the starting grade of the Property is 1.5 feet lower than the Cambridge Walk community. As a result, the perceived height of the Project relative to the Cambridge Walk is less than 52 feet, although the Zoning Ordinance nonetheless requires a 52 foot setback. In addition, as noted, the Property's alternative RMD-15 would require a side yard setback of only 8 feet, while allowing a maximum height of 40 feet. Relatedly, the Cambridge Walk community's RMD-10 Zone also requires a side yard setback of only 8 feet, while allowing a maximum height of 35 feet. It is inequitable to require the Project with a height just 17 feet higher than what is permitted in the adjacent zone, to provide a setback that is more than six times greater than the adjacent zone's setback (8 feet vs. 52 feet).

The Project is proposed at a compatible scale with the surrounding residential uses and the requested waivers are appropriate.

C. Subsection 25.13.06 - Additional Design Guidelines

As development located in one of the City's mixed use zones, the Project is subject to the additional design guidelines of subsection 25.13.06. Analysis of compliance with applicable additional design guidelines is provided below:

a. Purpose

The Project represents high quality development that is consistent with the intent and purpose of the additional design guidelines for mixed use zones.

b. Aesthetic and visual characteristics for all zones.

1. Facades and exterior walls including sides and backs.

The Project proposes high-quality design at an appropriate context-sensitive scale for the surrounding community. Specifically, front elevations feature multiple points of architectural fenestration, articulation through roof line modulation and stepbacks, and variation of building materials. Side elevations implement similar design techniques to create visual interest along Halpine Road. Rear elevations, which will be oriented toward the interior of the Property, include fenestration on every level above the ground-floor garages, as well as alternating building materials and balconies. In combination, each of these façade design techniques provide visual interest at a human scale to break up the massing of the proposed building groups and promote compatibility with the surrounding neighborhood.

2. Roofs.

The Applicant seeks flexibility to design the units with either a flat roof or a gable roof – either of which will provide variation to add visual interest and reduce massing of the proposed building groups.

3. *Materials and color.*

The Project incorporates high-quality exterior building materials with a context-sensitive palette that is evocative of the surrounding community. The palette will be determined at the time of Site Plan and will be compatible with the adjacent Twinbrook Station community to the south as well as the neighboring single-family detached homes.

4. *Items not allowed facing a public street.*

This provision is not applicable to single unit attached dwellings in a mixed-use zone.

5. *Entryways.*

This provision is applicable to nonresidential uses and customer entrances. As a single-use residential development, the Project does not incorporate customer entrances.

6. *Screening of mechanical equipment.*

Mechanical equipment is appropriately located to mitigate noise and visual impacts.

c. *Site design and relationship to surrounding community.*

1. *Buffers.*

The Project incorporates landscaped buffers along the Property's Halpine Road and Ardennes Avenue frontage, as well as to the west and south adjacent to the existing Forest Conservation Easement and the existing Twinbrook Station development. Proposed buffers will include appropriate setbacks and a variety of tree types at regular intervals, with groupings of trees to provide, noise, light, and visual screening.

2. *Outdoor sales and storage.*

As a single-use residential development, the Project does not propose outdoor sales or storage of products.

3. *Trash recycling, waste oil/grease collection area.*

Trash and recycling collection will occur at each residence along the interior alley.

4. *Parking lots and structures.*

Parking for future residents is provided through a combination of garages and driveways located along the private alley at the rear of each residence. Parking at this location of the Project minimizes the overall scale of paved surfaces in the community and the distance from parking areas to individual dwellings.

5. *Pedestrian and bicycle flows.*

The Project encourages pedestrian accessibility through new sidewalks along Ardennes Avenue and Halpine Road, as well as pedestrian pathways along the Property's western open space area. The proposed pedestrian infrastructure is intended to foster walkability on-site, as well as promote walkability for future residents to various amenities and transit opportunities within the surrounding community.

6. Central features and community spaces.

The Project proposes attractive and inviting pedestrian-scale features, spaces, and amenities. In total, the Project will provide 24,505 square feet of open area – including approximately 6,486 square feet devoted to public use space. The public use space will be located along the Ardennes Avenue frontage of the Property with a pocket park improved with pathways and pedestrian-scale plantings for passive recreation proposed at the corner of Halpine Road and Ardennes Avenue and the second park provided at the corner of Ardennes Avenue and Higgins Place to supplement the existing open space. The two pocket parks will be linked by the public use space provided along Ardennes Avenue that will include seating and landscaping. Additional open space featuring paved pathways, seating, and landscaping is also proposed for a combination of active and passive recreation along the western portion of the Property with a path that terminates in a teardrop along the southern end of this open space area. This generous open space also provides a meaningful buffer to the Cambridge Walk townhouses.

7. Delivery and loading spaces, hours of operation.

Parking is proposed along the rear of the building groups in the private drive alley to ensure adequate access and visual screening. Given the residential product type, a designated loading space is not provided.

8. Ancillary uses.

No ancillary uses are proposed.

9. Noise abatement.

The Project is proposed in conformance with the noise regulations set forth in Chapter 31B of the Montgomery County Code.

10. Outdoor lighting.

All outdoor lighting is proposed in conformance with the City's landscaping, screening, and lighting manual.

11. Landscaping.

The Project's landscaping is proposed in conformance with the City's landscaping, screening, and lighting manual.

d. Mixed Use Neighborhood Commercial Zone (MXNC)

1. Building location

There is no build-to line provided in the Comprehensive Plan, but as described, the northern building group will be oriented along the Ardennes Avenue frontage of the Property.

2. Uses by floor

The Project is entirely residential.

3. Façade

The Project is designed to provide a variation in the façade design. The recommendations for an expression line or cornice line are not appropriate given the residential style.

4. Fenestration

Fenestration will be provided by individual framed windows, fitting for a residential design.

5. Sidewalks

The new sidewalks will comply with Zoning Code Section 25.17.05. A small area of the Ardennes Avenue sidewalk located in the southwestern corner will be subject to a public improvement easement.

6. Parking

Parking is provided in individual garages and in individual driveways at the back of the residences along the private alley, in compliance with the parking requirements.

VI. Justification for Proposed Height

The Applicant is requesting a maximum height of 52 feet in order to provide a gable roof, as opposed to a flat roof to increase the compatibility of the Project with the surrounding area. Planning Staff, as well as members of the Planning Commission and the Mayor and Council during the Applicant's briefings appeared to indicate a preference of the gable roof over the flat roof, given that the gable roof was more in keeping with the design of the other nearby structures.

Based on current engineer and site analysis, the row of structures closest to the Cambridge Walk site measures 49.69 feet in height and the row closest to Ardennes Avenue measures 50.67 feet. Until final engineering is complete, it is impossible to determine with absolute certainty the actual grades of the Property and therefore, the Applicant is requesting an additional two feet from the recommended maximum height of 50 to ensure that the constructed Project complies with the final development approvals.

Importantly, before determining that a maximum height of 52 feet was necessary, the Applicant thoroughly examined the grading of the Property and also the proposed architecture. While it would be possible for the Applicant to reduce the pitch of the roof in order to maintain a height less than 50 feet, to do so would significantly detract from the architectural aesthetic of the

residential building. Given the style of the building, a lower pitched roof would convey the impression of an inferior, lower quality product type, which is contrary to the Applicant's design objectives and not appropriate for the neighborhood. Notably, a lower pitched roof is less costly to construct, so it is important to emphasize that it is the aesthetics, not the cost, driving this decision.

The MXNC Zone allows a height of 65 feet. However, the Comprehensive Plan *recommends* that the height not exceed 50 feet. Because the Comprehensive Plan is a guide and not a law, there is implicitly some flexibility with respect to Comprehensive Plan (and Master Plan) recommendations. This is especially true in this instance where Zoning Ordinance Section 25.06.01.e.2.(a) which sets forth the findings that the Mayor and Council must make in order to approve the use of a Floating Zone requires a development to be "consistent with" the Comprehensive Plan, not "in strict conformance with" or "in substantial conformance with" the Comprehensive Plan. Similarly, the relevant required Mayor and Council finding for approval of a Project Plan (Section 25.07.01.b.2(b)) is that the Project Plan will not "be in conflict with the Plan;" the Zoning Ordinance does not require the Project Plan to be "in strict conformance with" or "in substantial conformance with" the Comprehensive Plan.⁵ This is an important distinction and allows for the Mayor and Council to exercise flexibility in approving the recommended 52 feet in height.

The purpose of the request is to maximize this urban infill Project's compatibility with the surrounding area.

VII. Compliance with Interim Comprehensive Plan Floating Zones

A. Residential Interim Comprehensive Plan Floating Zones

As noted, the Property is designated RF, Residential Flexible and the Comprehensive Plan recommends the Property for either the RMD-15 or MXNC Zone. Accordingly, as required by Section 25.14.35.c.2.(a)(iii), the Applicant is pursuing the MXNC Zone as the equivalent zone.

B. Waiver of Equivalent Design Standards

As discussed above in Section IV.B, the Applicant is seeking a waiver of the MXNC Zone side yard setback standard and the layback slope requirement.

C. Aesthetic Standards

Section 25.14.35.f. requires any development within an interim Comprehensive Plan floating zone to comply with certain aesthetic standards with respect to the following:

1. Façade and Massing

The two-over-two design meets the ZTA's design objectives in that the physical structures are of a modest scale and the design allows variation in the facades of each "unit." The character

⁵ There is no such comparable finding for the Site Plan in this case, since it will implement the Project Plan (Zoning Ordinance Section 25.07.013.(b)).

and scale of the Project provides a perfect transition from the various surrounding uses which include multi-family residential buildings, townhouses and single family homes. The Ardennes Avenue frontage will be defined by public use space anchored by two pocket parks at either end of the Project. As a residential project, the facades will include windows and entrances over more than 60 percent of the building length. Special attention to all of the facades will be given to ensure positive views of the Project. By virtue of the design, there will be visual interest at the pedestrian scale and the perceived massing of the overall structure will be reduced by the variation in design and vertical delineation between units.

2. Roofs

At four stories, the structures are not large and therefore a varied roofline is not required. Nonetheless, if the Project includes a gable roof there will be variations in the roofline.

3. Entryways

Proposed ground-level entries to individual units are clearly demarcated from public space areas. As a single-family residential development, the Project is intentionally designed with designated entryways at the ground-level. These individual entries are setback from adjacent right-of-way, sidewalks, and open space. It is not anticipated that any individual dwelling units will be converted to retail space.

D. Public Benefits

The Project provides public benefits that enhance the objectives of the Comprehensive Plan and are proportionate to the scale of the development. The Project is providing needed housing at an appropriate scale within a few minute walk of a metro station. The Project provides more than two times the amount of required open space and will enhance the overall neighborhood by providing two well designed pocket parks. The Project will also include frontage improvements with dedication to provide for the 82 foot Ardennes Avenue right-of-way, new sidewalks and associated pedestrian infrastructure where appropriate along both the Ardennes Avenue and Halpine Road frontages. The Applicant intends to provide signage promoting the Twinbrook community along the Ardennes Avenue frontage of the Property. In addition, in an effort to promote the transit goals of the City and provide a benefit to the Twinbrook neighbors, the Applicant proposes to construct a bus shelter along the Ardennes Avenue frontage of the Property. Finally, the Applicant proposes a \$10,000 contribution to the Twinbrook Community Recreational Center.

VIII. ADEQUATE PUBLIC FACILITIES

There are adequate public facilities – with respect to transportation, schools, fire and rescue, and water and sewer – to accommodate the proposed Project. Based on the Montgomery County student generation rates, the Project will generate two elementary school students (Twinbrook Elementary), one middle school student (Julius West Middle), and two high school students (Richard Montgomery). Moreover, with 36 proposed dwelling units, the proposed residential community will generate 34 fewer vehicular AM trips and 29 fewer vehicular PM trips to and from the Property than the existing Church /child care center. There is adequate water and sewer to accommodate the development.

IX. SPECIMEN TREE REMOVAL JUSTIFICATION

Pursuant to Section 10.5.21(e), the Applicant is requesting the removal of one on-site priority retention tree as part of redevelopment of the Property. Specifically, the Applicant submits this justification in support of its request to remove “Tree 9” to accommodate the proposed access point along Halpine Road and associated vehicular circulation. “Tree 9,” which is identified as a red oak with a circumference of approximately 30.5 inches, is located directly within the proposed private alley adjacent to the vehicular access point. The analysis provided below demonstrates satisfaction of the necessary criteria for removal of a specimen tree:

(1) How removal of the priority tree(s) is required to accommodate one (1) of the following:

- (a) Right-of-way.*
- (b) Site access.*
- (c) Utility connections.*
- (d) Other City developmental standards.*
- (e) Site conditions and best design practices*

The Applicant is requesting removal of “Tree 9” to accommodate necessary site access, utility connections, and best design practices for the Project. “Tree 9” is located directly within the proposed private alley extending from the Project’s lone vehicular access point. The Project is strategically designed to, in part, ensure compatibility with the surrounding uses and limit impacts to adjacent properties. To this end, the proposed building groups are sited in two rows parallel to Ardennes Avenue, with one group fronting Ardennes Avenue and the second set back behind the private drive alley. This siting is intended to (1) contribute to a harmonious street wall along Ardennes Avenue, (2) limit unnecessary additional curb cuts along Ardennes Avenue and Halpine Road, and (3) ensure compatibility with confronting residential uses across Halpine Road by breaking up massing with two separate building groups featuring high-quality side elevations. These strategic site design interventions are intended to foster compatibility with the surrounding context but require the provision of a single access point along Halpine Road. The removal of “Tree 9” at this location is necessary to ensure adequate site access and vehicular circulation while implementing best design practices for the proposed single-family residential community. Additionally, Staff has instructed the Applicant to provide a 10 foot public utility easement (PUE) along the Property’s Halpine Road frontage. Implementation of the PUE at this location will also impact “Tree 9.”

(2) Why the development cannot be altered to preserve priority trees. Cost alone, or the desire not to alter the preferred site design shall not be sufficient justification for not altering the development to preserve priority trees.

As discussed, the removal of one priority tree is necessary to achieve site access, utility connections, and best design practices to ensure compatibility with the existing community. The Project proposes dedication along Ardennes Avenue to improve the right-of-way to the City’s 82 foot width standard, as well as provide public open space and pedestrian infrastructure improvements. No new curb cuts or access points are proposed along Ardennes Avenue to, in part, provide necessary dedication and improvements. Consequently, vehicular access is limited to the Property’s Halpine Road frontage. Here, impacts to “Tree 9” are unavoidable due to the

proposed private alley serving each building group. It is not possible to provide site access at another location along Halpine Road that would not impact “Tree 9” due to the neighboring Forest Conservation Easements (FTP95-00005 and FTP2003-00033) and required dedication and pedestrian infrastructure towards the intersection of Halpine Road and Ardennes Avenue. Accordingly, impacts to “Tree 9” are unavoidable and necessary to accommodate the Project.

(3) How all techniques for retention have been exhausted.

The Applicant has exhausted all techniques for retention of “Tree 9.” Removal of this priority retention tree is necessary in multiple different design scenarios and layouts due to its location adjacent to Halpine Road and the proposed PUE. To this point, it is not possible to preserve “Tree 9” while also providing necessary vehicular access and achieving the Comprehensive Plan’s desired residential density for this location.

X. PROJECT PLAN REQUIRED FINDINGS

The Project satisfies the required findings for Project Plans set forth in Section 25.07.01, as the Project will not:

(a) Adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use.

The Project will not adversely affect the health or safety of residents or employees within the surrounding neighborhood. In accordance with the 2040 Comprehensive Plan’s site-specific recommendations, the Project proposes to redevelop an underutilized institutional structure and significant impervious surface parking into a high-quality residential community. This proposed efficient land use and modest density will provide more housing options, modernize and improve the site’s stormwater management, and contribute to the mixed-use residential character of the existing community. Importantly, the proposed residential community will generate less vehicular trips to and from the Property than the existing institutional uses on-site. Accordingly, the proposed residential use will not adversely affect the health or safety of the surrounding neighborhood.

(b) Be in conflict with the Plan.

As discussed in Section III, the Project complies with the 2040 Comprehensive Plan.

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

Adequate public facilities exist to accommodate the Project. Water and sewer service are available and sufficient. As noted above, based on the Montgomery County student generation rates, the Project is anticipated to generate two elementary school students (Twinbrook Elementary), one middle school student (Julius West Middle), and two high school students (Richard Montgomery). Additionally, the proposed residential use generates significantly less traffic than the previously approved institutional Church /child care uses on the Property.

(d) Constitute a violation of any provision of this Code 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 Project will in no way adversely affect the City's natural resources or environment. The Project will be providing on-site stormwater management including micro bio-retention areas and planters. The overall forest conservation and tree mitigation requirements for the Property will be satisfied on-site as indicated by the Preliminary Forest Conservation Plan.

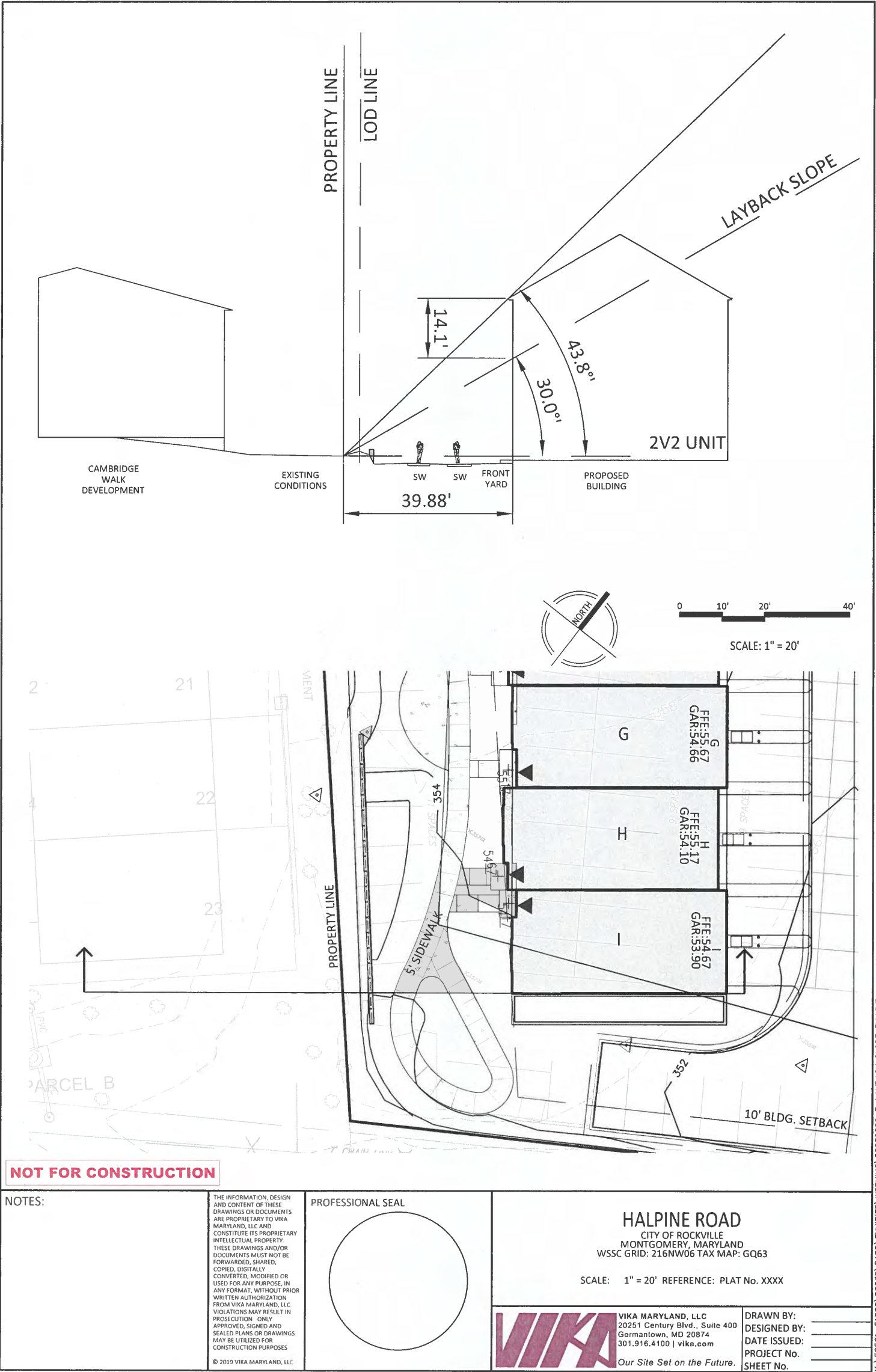
XI. COMMUNITY OUTREACH

The Applicant hosted a Pre-Application Meeting ("PAM") on May 16, 2023. The minutes were submitted in connection with the PAM filing. The Applicant hosted a post Project Plan and Site Plan submission meeting on February 6, 2024.

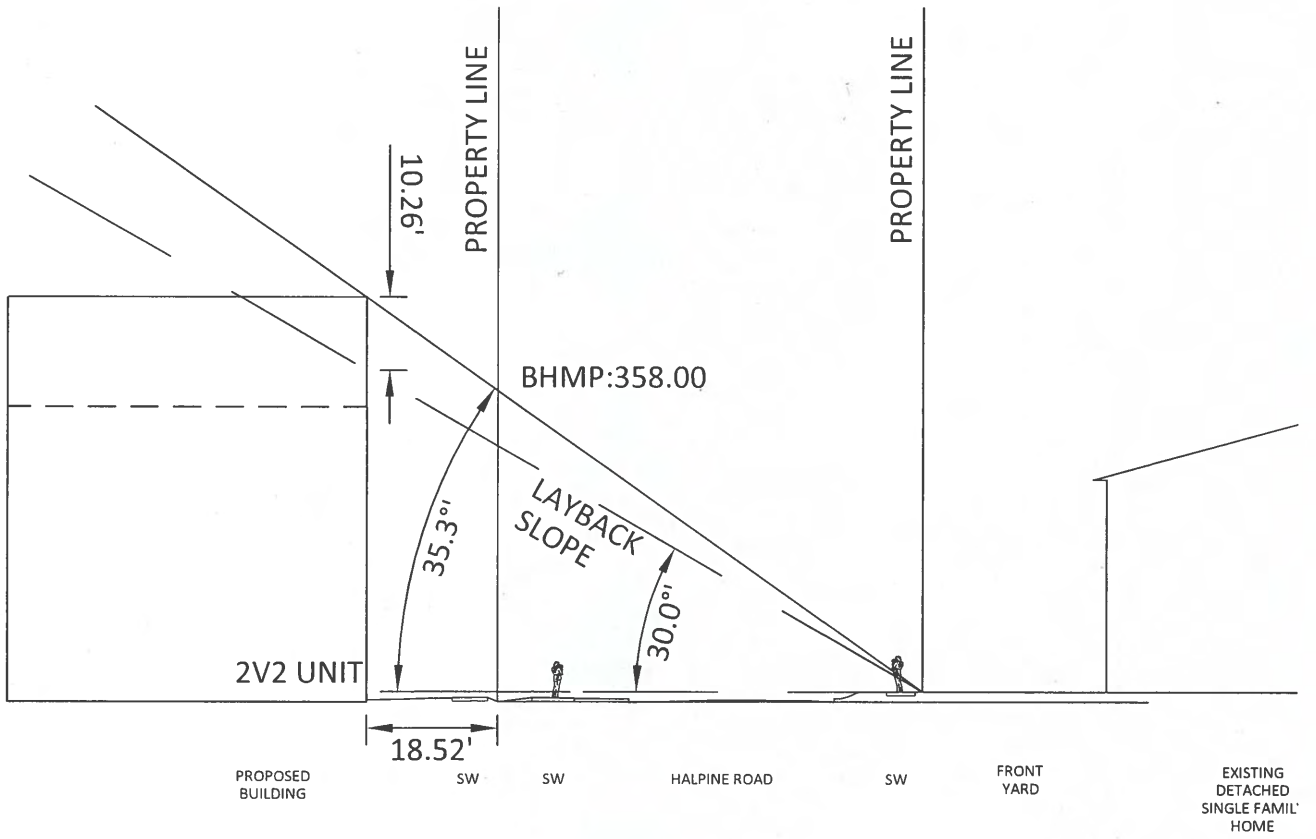
XII. CONCLUSION

The proposed Project Plan presents an exciting opportunity to redevelop the underutilized structure and impervious surface at this prominent location into high-quality, desirable housing options that address Rockville's growing population. The proposed residential community in this location responds to the 2040 Comprehensive Plan's applicable recommendations for efficient land use and adding modest residential density through urban infill. As discussed herein, the Project satisfies the development standards for the proposed MXNC Zone and requirements of the Project Plan. Accordingly, the Applicant respectfully requests the Mayor and Council's approval of the proposed Project Plan.

Attachment A

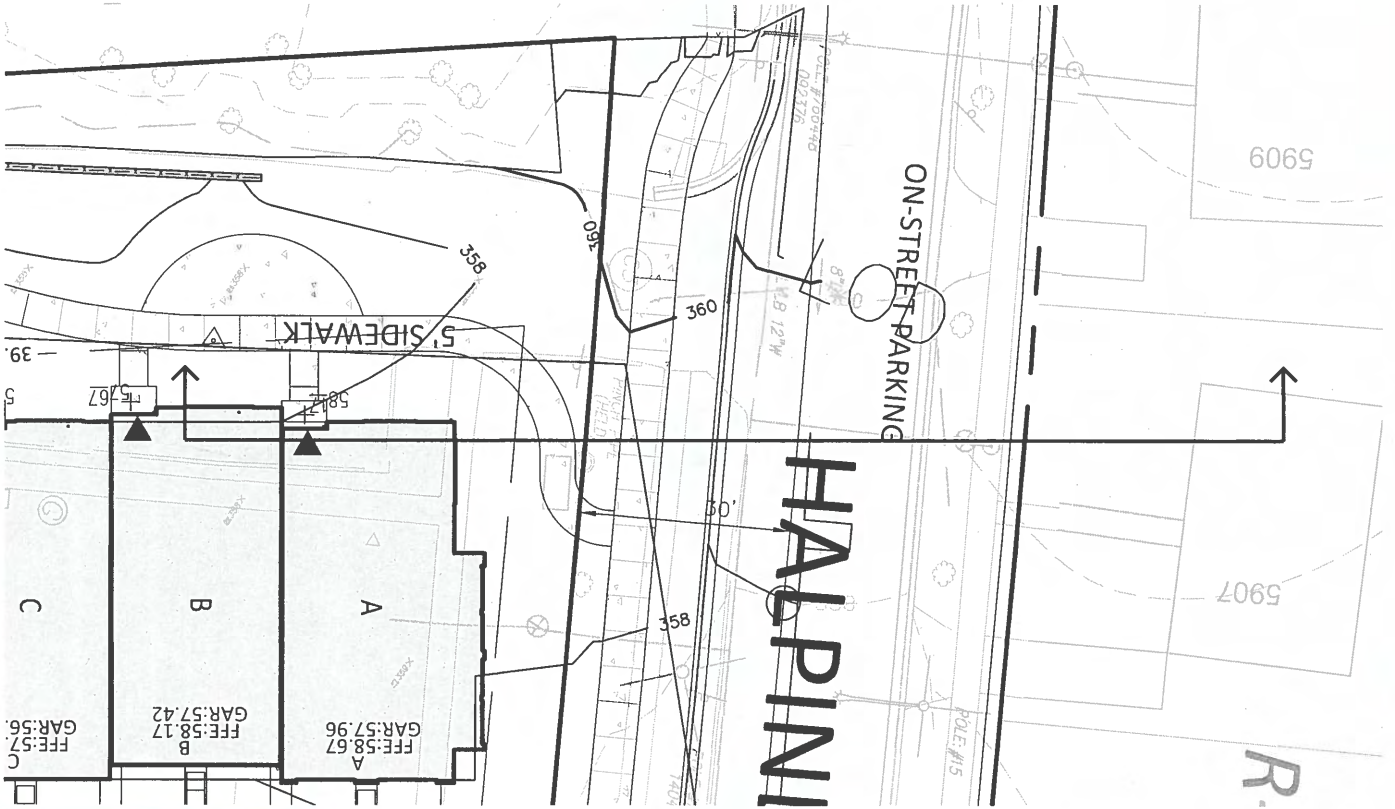


Attachment B



0 10' 20' 40'

SCALE: 1" = 20'



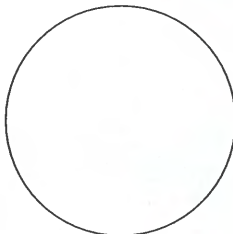
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PROFESSIONAL SEAL



HALPINE ROAD
CITY OF ROCKVILLE
MONTGOMERY, MARYLAND
WSSC GRID: 216NW06 TAX MAP: GQ63

SCALE: 1" = 20' REFERENCE: PLAT No. XXXX



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