

Resolution No. 3-19

RESOLUTION:

To approve, with conditions,
Project Plan
Application No.
PJT2018-00008,
FP Rockville III
LP, Applicant

WHEREAS, by letter dated January 5, 1999, the City of Rockville Planning Commission approved Use Permit Application USE1997-0577, Rockville Metro Plaza, subject to certain conditions as more fully set forth in said letter; and

WHEREAS, said Use Permit was filed pursuant to the standard method of development for the TCM-2 Zone which allowed building heights of up to 100 feet in height above the 448-foot elevation level; and

WHEREAS, said Use Permit provided for a 620,000 square-foot office and retail complex consisting of three buildings located at the northwest corner of the Rockville Pike and East Middle Lane intersection; and

WHEREAS, the Mayor and Council approved Resolution No. 5-05 on March 7, 2005, allowing for the Phase III office building to have a maximum height of 115 feet above the 448-foot elevation, subject to certain conditions, including that all conditions of approved Use Permit USE97-0577 remain in effect unless modified by Resolution No. 5-05;

WHEREAS, the developer proposes to retain the approval to develop the Phase III office building through February 28, 2024, or until such time that the first building permit is issued for the proposed residential development, whichever comes first; and

WHEREAS, the applicant requests the option to construct a 240-unit residential apartment building as Phase III as an alternative development option

of the approved office building; and

WHEREAS, F.P. Rockville III Limited Partnership, 12435 Park Potomac Avenue Suite 200, Potomac, Maryland 20854, filed Project Plan Application PJT2018-00008, requesting approval of a Project Plan to amend the previously approved Preliminary Development Plan application to allow for (i) the option of constructing a 240-unit apartment building as Phase III of the development and (ii) a parking reduction pursuant to Sec. 25.16.03.h of the Zoning Ordinance. The approval of PJT2018-00008 would allow for additional land use options beyond the previously approved office use and specifically eliminate the required 30' foot property line setback as required within Resolution 5-05; and

WHEREAS, pursuant to the City of Rockville Zoning Ordinance Section 25.07.01, the Planning Commission, at its meeting of July 11, 2018, reviewed the subject application and recommended approval subject to certain conditions as set forth in the staff report presented at that meeting, and

WHEREAS, pursuant to Section 25.07.07 of the Zoning Ordinance, the Mayor and Council gave notice that a public hearing on said Application would be held by the Mayor and Council of Rockville in the Council Chambers at Rockville City Hall on September 24, 2018, at 7:00 p.m. or as soon thereafter as it may be heard, at which parties of interest and citizens would have an opportunity to be heard; and

WHEREAS, on September 24, 2018, a public hearing on the said application was held at the time and place indicated in said notice; and

WHEREAS, the subject property is regulated in accordance with the Planned Development approved by the Mayor and Council per Resolution No. 5-05 and for

the purposes of this amendment, the proposed project plan would become part of the governing documents for the Planned Development and would regulate future site plan applications. Any development standard upon which the plan is silent would be regulated under the MXTD (Mixed Use Transit District) standards of the Zoning Ordinance, which is the equivalent zone for the property. Provisions that differ from the requirements of the equivalent zone can be approved as part of the Planned Development by the Mayor and Council.

WHEREAS, said matter having been fully considered by the Mayor and Council, including comments from the Planning Commission, the Mayor and Council having found and determined that approval of the proposed amendment is consistent with the established criteria within the Zoning Ordinance, and is compatible with adjacent existing and permitted uses and developments, as more specifically set forth below:

In accordance with Section 25.07.01.b.2, of the Zoning Ordinance, a project plan may be approved only if the Mayor and Council find that the approval of the application will not:

***Adversely affect the health or safety of persons residing or working
in the neighborhood of the proposed project;***

The Mayor and Council finds that the proposed Project Plan amendment will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed project.

There is no evidence that the change from office use to residential use will be detrimental to the health and safety of persons working or

living in this area. The proposed change from an office to residential use will result in a decrease in the potential traffic load on the road infrastructure in this area.

Be in Conflict with the Plan;

The Mayor and Council finds that the proposed Project Plan amendment is not in conflict with the Plan. The Master Plan as approved and adopted on November 12, 2002, assigned the land use designation of “Mixed Use Preferred Office” to the subject property, which indicates the approved Rockville Metro Plaza development is consistent with the City’s land use policy. While the proposed amendment is a departure from the preferred office use, it is still consistent with the mixed-use intent of the Town Center area. In addition, the proposal encourages and promotes a more balanced land use pattern of office and residential uses within the mixed-use environment of East Middle Lane.

Overburden existing and programmed public facilities as set forth in Article 20 of the Zoning Ordinance and as provided in the adopted Adequate Public facilities Standards;

As required per section 25.20.03.a.3. of the Zoning Ordinance, the proposed amendment is subject to a determination of compliance with adequate public facilities for the proposed changes. Pursuant to the discussion in the Staff Report Staff dated January 7, 2018, the Mayor and Council finds that the proposed Project Plan amendment will not overburden existing and programed facilities. Staff has analyzed the proposed amendment for compliance with the Adequate

Public Facilities Standards and has determined that the proposed development of up to 240 residential units in lieu of the approved office development on the site will not overburden existing and programmed public facilities.

Constitute a violation of any provision of the Zoning Ordinance or other applicable law; or

The Mayor and Council finds that the proposed Project Plan amendment complies with all provisions of the Zoning Ordinance and other applicable laws. A detailed concept plan has been submitted with associated tables and graphics that would act as the development regulations for the area at the time site plan is submitted for review and approval.

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

The site is currently a paved surface parking lot and the development of an apartment building on the site will not negatively impact the natural resources or the environment in any way.

WHEREAS, the Mayor and Council reviewed the proposed 141 space parking reduction request at their September 24, 2018 meeting; and

WHEREAS, this matter having been fully considered by the Mayor and Council, the Mayor and Council having decided that the proposed amendment and 141 space parking reduction would promote the health, safety and general welfare of the Citizens of Rockville, the Mayor and Council, pursuant to Section 25.07.07 and Sec. 25.16.03.h of the Zoning Ordinance, makes its findings as stated above based upon the Preliminary Development Plan Application

PDP2004-00008, Project Plan Application PJT2018-00008, approved Use Permit Application USE1997-0577, the Staff Report considered by the Planning Commission and included in its Recommendation of approval dated July 11, 2018, and the testimony from the public hearing of September 24, 2018.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that Project Plan Application PJT2018-000008, be and the same is hereby approved, in accordance with the findings stated above and following terms, conditions, and limitations:

1. All conditions of approved Use Permit USE97-0577, as set forth in the approval letter dated January 5, 1999, shall remain in effect except as specifically modified by (i) Preliminary Development Plan Application PDP2004-00008, and (ii) Project Plan application PJT2018-00008 (Attachment "A") and the conditions hereinafter set forth.

2. A Site Plan that implements all or a portion of PJT2018-00008 will be regulated by and must comply with the applicable requirements of this Resolution and PJT2018-00008. Specifically, PJT2018-00008 eliminates the 30' setback requirement for any residential development constructed under this Project Plan amendment.

3. The proposed residential development will be designed in a manner consistent with the development standards located within the tables on the Concept Project Plan Amendment Cover Sheet dated August 31, 2018, all associated exhibits, and generally consistent with the graphic conceptual representation shown on that same plan drawing.

4. The existing office use approved for this site shall remain as a valid approval until February 28, 2024, or until such time that the first building permit is

issued for the development of the proposed residential use on the subject site, whichever comes first. A Site Plan that implements all or a portion of the approved office use will be regulated by and must comply with the applicable requirements of Resolution 5-05 and PDP2004-00008.

5. Prior to Site Plan approval, applicant must identify all existing encumbrances on the property and prior to DPW permit issuance revise all necessary deeds, easements, agreements, dedications, covenants, and declarations.

6. Applicant must comply with conditions of the Pre-Application SWM Concept approval letter dated December 19, 2017.

7. Applicant must comply with conditions of the Water and Sewer Authorization dated December 29, 2017.

I hereby certify that the foregoing is a true and
correct copy of a resolution adopted by the Mayor
and Council at its meeting of January 7, 2019.


Sara Taylor-Ferrell, City
Clerk/Director of Council
Operations