

Resolution No. 9-13

RESOLUTION:

To approve, with
Conditions, King
Farm Associates for
additional Residential
Units at King Farm

WHEREAS, on July 8, 1996, the Mayor and Council approved Resolution No. 10-96 approving CPD 95-0002 (“Concept Plan Application”) for a comprehensive planned development on 430.63 acres, more or less, called the “King Farm,” located east of Interstate 270, north of Gude Drive, south of Shady Grove Road, and west of Frederick Road (MD 355) in accordance with the plans submitted under the O-3 zoned Comprehensive Planned Development Special Development Procedure Provisions of the City of Rockville Zoning and Planning Ordinance (the “Approved Concept Plan”); and

WHEREAS, Resolution No. 10-96 approved, *inter alia*, 3,100,700 square feet of office space and 3,200 residential units with the provision that the 3,200 residential units may be increased to 3,600 residential units subject to the approval of the Mayor and Council; and

WHEREAS, King Farm was annexed into the City of Rockville from Montgomery County, effective September 22, 1995, and an annexation agreement was signed on August 7, 1995 by Helios/Towle LLC, now known as King Farm Associates, and the Mayor and Council of Rockville to outline issues related to the future development of the property (“Annexation Agreement”); and

WHEREAS, the Annexation Agreement provides that the King Farm will, *inter alia*, be developed with 3,200 dwelling units and that King Farm Associates as owner may increase the number of residential dwelling units to be constructed at King Farm to 3,600 dwelling units, subject to the reasonable approval of the Mayor and Council of Rockville; and

WHEREAS, the additional 400 dwelling units allowed by Resolution 10-96 and the Annexation Agreement were included at the time the Comprehensive Planned Development was reviewed by the Mayor and Council and were found to meet the required findings of the Zoning and Planning Ordinance for approval, including the availability of adequate public facilities; and

WHEREAS, the Approved Concept Plan consists of Resolution No. 10-96 and all exhibits in Resolution No. 10-96 listed in Paragraph I thereof, including Exhibit 2A-D, entitled “Land Use Plan”; and

WHEREAS, the Land Use Plan approved as part of the Approved Concept Plan designates Irvington Centre, which includes Parcel F-5 and Parcel F-6, for use as “Office – 3-12 stories” and provides that 300 residential units may be located in the Office Designated Area; and

WHEREAS, on August 4, 2003, the Mayor and Council approved Resolution No. 25-03, approving Concept Plan Application CPD 1995-0002A (“First Amendment Application”), to allow a maximum square footage of 175,000 square feet of hotel use, including ancillary uses, as an alternative use to an equivalent amount of approved office space in one of three undeveloped areas; and

WHEREAS, on March 14, 2005, the Mayor and Council adopted Resolution No. 6-05 approving Amended Concept Plan Application CPD 1995-0002A (“Second Amended Concept Plan Application”) to allow a maximum of 1,200,000 square feet of independent living, assisted living, and/or nursing home uses, and related recreation and commercial use facilities, as an alternative use to an equivalent amount of approved office space in an undeveloped area (collectively, the Approved Concept Plan, First Amended Concept Plan and Second Amended Concept Plan hereinafter called the “Concept Plan”); and

WHEREAS, to date 3,200 dwelling units, including 350 MPDUs, have been constructed at King Farm; and

WHEREAS, on May 21, 2013, King Farm Associates filed a letter submission with the Mayor and Council pursuant to the Annexation Agreement and Concept Plan requesting approval of 144 residential units on two sites located in the Irvington Centre office area of King Farm, identified as Parcels F-5 and F-6 (the “Residential Request”); and

WHEREAS, the Planning Commission, at its meeting of July 10, 2013, reviewed the Residential Request and forwarded its recommendation for approval to the Mayor and Council of Rockville by memorandum dated July 18, 2013; and

WHEREAS, King Farm Associates gave notice that a public hearing on the Residential Request would be held by the Mayor and Council of Rockville on July 29, 2013; and

WHEREAS, on July 29, 2013, the Residential Request came on for hearing before the Mayor and Council; and

WHEREAS, the matter having been fully considered by the Mayor and Council, the Mayor and Council having decided that approval of King Farm Associates’ request for 144 residential units located on Parcels F-5 and F-6 would promote the health, safety and general welfare of the citizens of Rockville, the Mayor and Council further finding pursuant to the Annexation Agreement, Concept Plan, the Planning Commission Recommendation dated July 18, 2013, and the public hearing of July 29, 2013, as well as the remaining matters contained in the Record, that the development proposed by the Residential Request, subject to the conditions, limitations, additions and modifications set forth herein, maintains the findings made at the time of approval of the Approved Concept Plan for the entire King Farm as follows:

1. Will not adversely affect the health or safety of persons who will reside or work in the neighborhood of the proposed development; and
2. Will not be detrimental to the public welfare or injurious to property or improvements located or to be located in or adjacent to the development; and
3. Will not be inconsistent with the intent or purpose of Article XII, Division 7, and the Concept Plan; and
4. Will not be contrary to the requirements contained in Division 5 of Article XII; and
5. Will not overburden public services including water, sanitary sewer, public roads, storm drainage or other public improvements; and
6. Complies with the development standards and requirements set forth in Division 7 of Article XII; and
7. Complies with any applicable development staging and adequate public facilities requirements included in the Concept Plan; and
8. Complies with the provisions of Chapter 25 of the Zoning and Planning Ordinance; and
9. Will not be inconsistent with the Plan as said term is defined in Chapter 25 of the Zoning and Planning Ordinance; and
10. Will not adversely affect the health or safety of persons residing or working in the subdivision or neighborhood; and
11. Will be suitable for the type of development, the use contemplated, and available public utilities and services; and

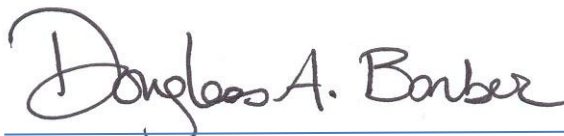
12. Will not unreasonably disturb existing topography, in order to minimize stormwater runoff and to conserve the vegetation cover and soil.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that the Residential Request be, and the same is hereby, approved with the following terms, conditions and limitations: herein.

A. A total of 144 townhouse dwelling units, including 12.5 percent Moderately Priced Dwelling Units, may be constructed on King Farm Parcels F-5 and F-6.

B. Upon approval of a Site Plan pursuant to Article 7 of the Zoning Ordinance of the City of Rockville and consistent with this Resolution (the "Site Plan"), the total remaining approved and unbuilt office density for the King Farm shall be reduced on a one square foot to one basis by the estimated square footage of a townhouse unit (2400 square feet) multiplied by the total number of dwelling units (144) approved by the Site Plan (total of 345,500 square feet).

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 September 9, 2013.

A handwritten signature in dark ink, reading "Douglass A. Barber". The signature is written in a cursive, flowing style. The first name "Douglass" is written with a large, prominent "D". The last name "Barber" is written with a large, prominent "B". The signature is positioned above a horizontal line.

Douglass Barber, City Clerk