Resolution No. 13-25

RESOLUTION:

To approve, with conditions, Project Plan Application PJT2025-00022, an Amendment to the Champion Billiards Planned Development

WHEREAS, under Chapter 25 of the Rockville City Code, the Mayor and Council of Rockville ("Mayor and Council") is authorized to review project plan applications; and

WHEREAS, on October 23, 2006, the Mayor and Council approved Resolution No. 14-06 approving Preliminary Planned Development Application PDP2006-00011 for a 25,863-square-foot parcel of land located at the southeast corner of the intersection of Edmonston Drive and Rockville Pike (MD 355) (the "**Property**"); and

WHEREAS, on September 30, 2024, the Mayor and Council approved Resolution No. 17-24 approving Project Plan Application PJT2023-00016 for the development of 4,400 square feet of retail with associated surface parking on the Property (the "**Project Plan**") as shown on the Project Plan Site Plan ("Site Plan") attached hereto as Exhibit "A"; and

WHEREAS, on April 3, 2025, the owner of the Property filed Application No. PJT2025-00022 to amend the Project Plan to extend its implementation period to March 30, 2026 (the "Application"); and

WHEREAS, pursuant to Sections 25.07.03 and 25.07.07 of the Zoning Ordinance, the Applicant met all notice requirements; and

WHEREAS, pursuant to Section 25.07.07 of the Zoning Ordinance, the Planning Commission at its meeting on June 11, 2025, reviewed the Application, and after considering the information presented and testimony provided, voted to recommend that the Mayor and Council approve the Application subject to certain conditions; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council approves Project Plan Application PJT2025-00022, to extend the implementation period of the Project Plan, subject to the following condition (in addition to conditions approved with Resolution 17-24, attached hereto as Exhibit "A"):

1. The applicant must file a site plan that implements the Project Plan within one year from

the date of the Mayor and Council approval of Project Plan PJT2025-00022, or the Project Plan approval will expire.

BE IT FURTHER RESOLVED THAT, for the purposes of this Resolution, the approved Project Plan means this Resolution and the exhibits to this Resolution listed below and attached hereto, including notations, references, descriptions, and writings on the Exhibits, except as modified by the above conditions of approval:

- 1. Exhibit A: Project Plan Site Plan dated November 9, 2023;
- 2. Exhibit B: Project Plan PJT2023-00016, Resolution No. 17-24;
- 3. Exhibit C: Champion Billiards Planned Development, Resolution No. 14-06;

BE IT FURTHER RESOLVED THAT, having considered the recommendations and findings of its Staff as presented at the public hearings on this Application and as set forth in the Staff Report on the Application presented to the Mayor and Council at its July 14, 2025 meeting, which the Mayor and Council hereby adopts and incorporates by reference, except as modified herein, and upon consideration of the entire administrative record, the Mayor and Council, pursuant to Section 25.05.08 of the Zoning Ordinance, finds and determines, with the above conditions of approval, that:

- a. In order to avoid expiration of the development approval, the implementation period may be extended only when all of the following conditions exist:
 - 1. The provisions of this chapter expressly allow the extension;

The Application does not conflict with the provisions of Chapter 25 of the Rockville City Code.

2. An extension request is filed prior to the expiration of the approval; and

This application was filed prior to the expiration of the Mayor and Council approval of the Project Plan.

3. The extension request is in writing and includes justification.

As demonstrated in the attachments to the staff report presented to the Mayor and Council, the extension request was filed as a Project Plan Amendment application in writing, and includes justification.

b. Unless otherwise provided, authority to grant extensions of time shall rest with the Approving Authority that granted the original approval being extended.

The Application proposes to modify the Project Plan, which was originally approved by the Mayor and Council.

- c. Extensions may be granted only upon good cause. In determining whether good cause has been shown, the Approving Authority must consider:
- 1. The actions taken by the applicant to diligently pursue implementation of the approval, including but not limited to execution of required documents and pursuing other required approvals;

The applicant worked with staff to communicate challenges in proceeding with the Project Plan implementation within the six-month time frame per the Zoning Ordinance. The applicant was able to communicate the challenges and the request prior to the expiration of the approval, and diligently pursued options to be able to extend the implementation period.

2. Whether the approved development complies with all the current provisions of this chapter and other applicable laws and with the current plan recommendations; and

As outlined in the Mayor and Council's approval of the Project Plan, which is not substantially modified by this Application to extend the Project Plan implementation period, the approved development complies with all the current provisions of Chapter 25 of the Rockville City Code and other applicable laws and with the current recommendations of the Rockville Comprehensive Plan. Approval of the Application does not modify any of the findings made by the Mayor and Council in its approval of the Project Plan.

3. Such other factors deemed to be relevant.

All other factors deemed to be relevant to this application have been reviewed, and no issues or conflict have been identified.

d. An extension of the implementation period of an approval does not allow any change from the conditions of the approval for which the extension is requested.

No changes to the conditions of approval for which the extension is requested are proposed. The only request with this Project Plan is an addition to the approval which allows

for	the extension	of the	Project	Plan	imp	lementation	period.

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 July 14, 2025.

Sara Taylor-Ferrell

City Clerk/Director of Council Operations

DANSHES CENTER ON THE PIKE

SAINT MARYS P214 PROJECT PLAN PJT2023-00016

EX1 1





VICINITY MAP SCALE 1" - 2,000"

PARCEL 214 JUNES F 487

THE BUILDING FOOTPRINTS, BUILDING HEIGHTS, ON-SITE PARKING, SITE CIRCULATION, AND SIDEMALKS SHOWN ON THIS PRELIMINARY PLANCE

SUBDIVISION ARE ILLUSTRATIVE. THE FINAL LOCATIONS OF BUILDINGS. STRUCTURES AND MAROSCAPE WILL BE DETERMINED AT THE TIME OF SITE PLAN

CONDITIONS OF THE PLANNING BOARD'S APPROVAL.

PLEASE REFER TO THE ZONING DATA TABLE FOR DEVELOPMENT STANDARDS SUCH AS SETBACKS, BUILDING HEIGHT, AND LOT COVERAGE FOR EACH LOT.

OTHER LIMITATIONS FOR SITE DEVELOPMENT MAY ALSO BE INCLUDED IN THE

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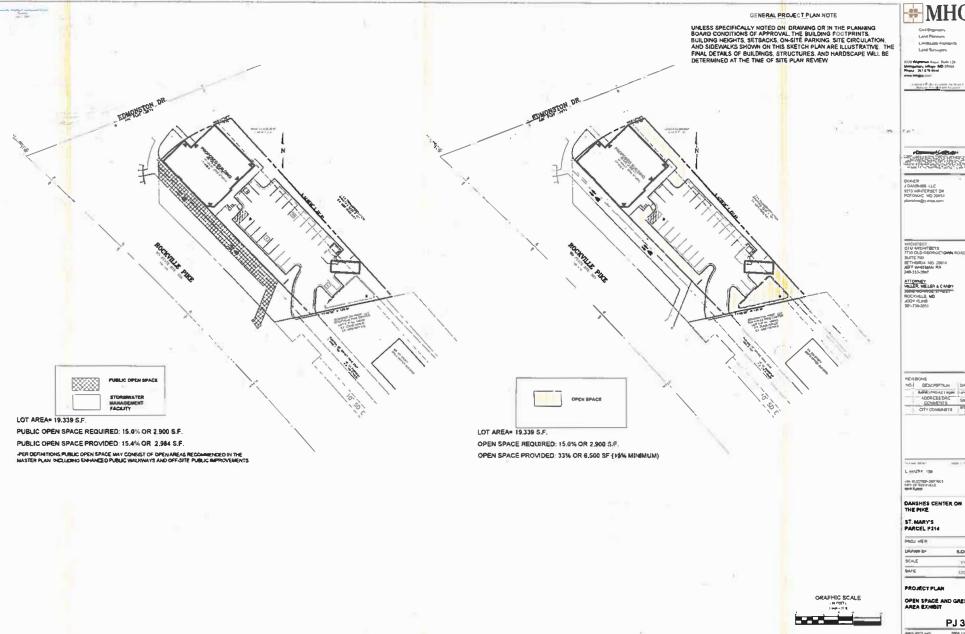
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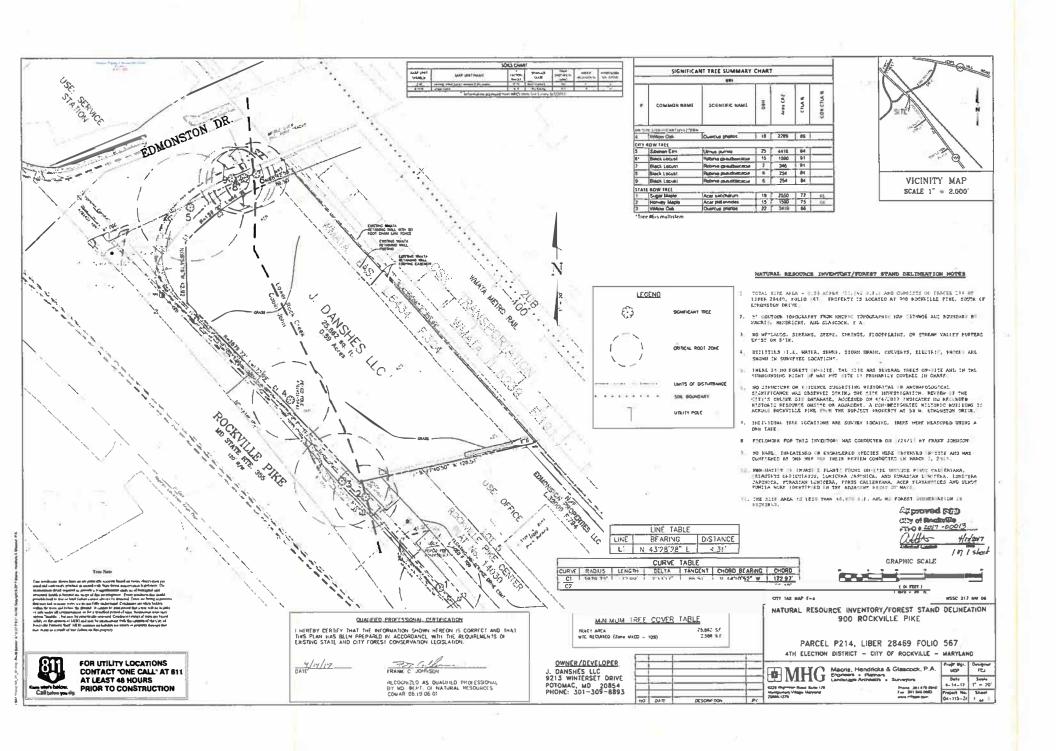
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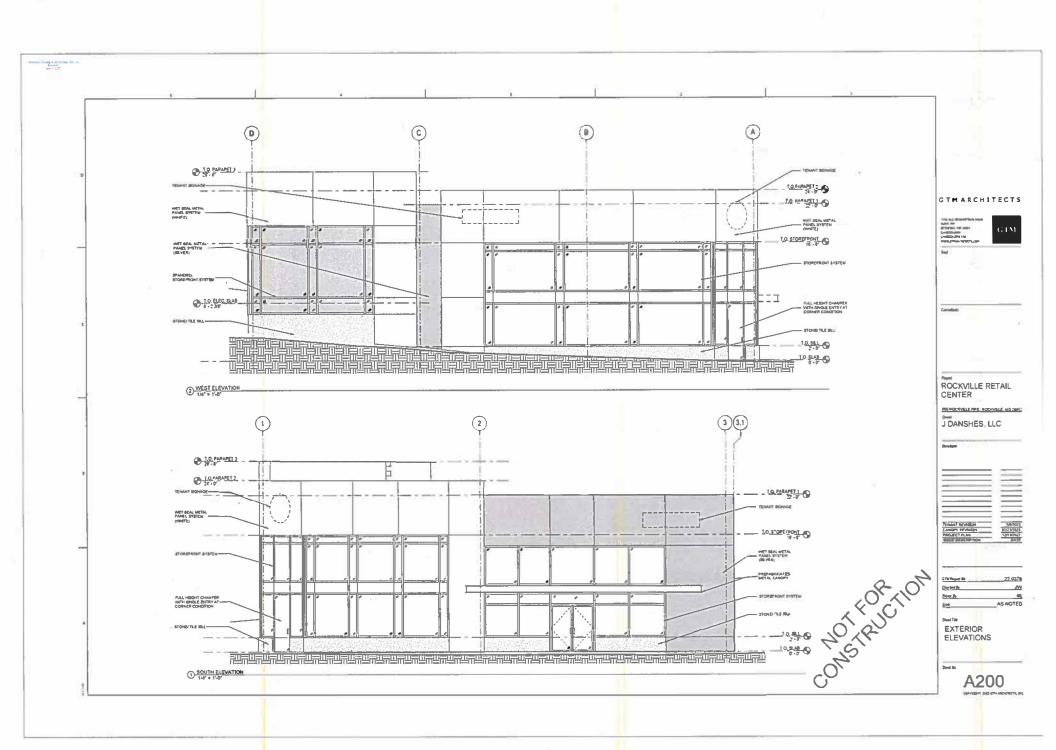
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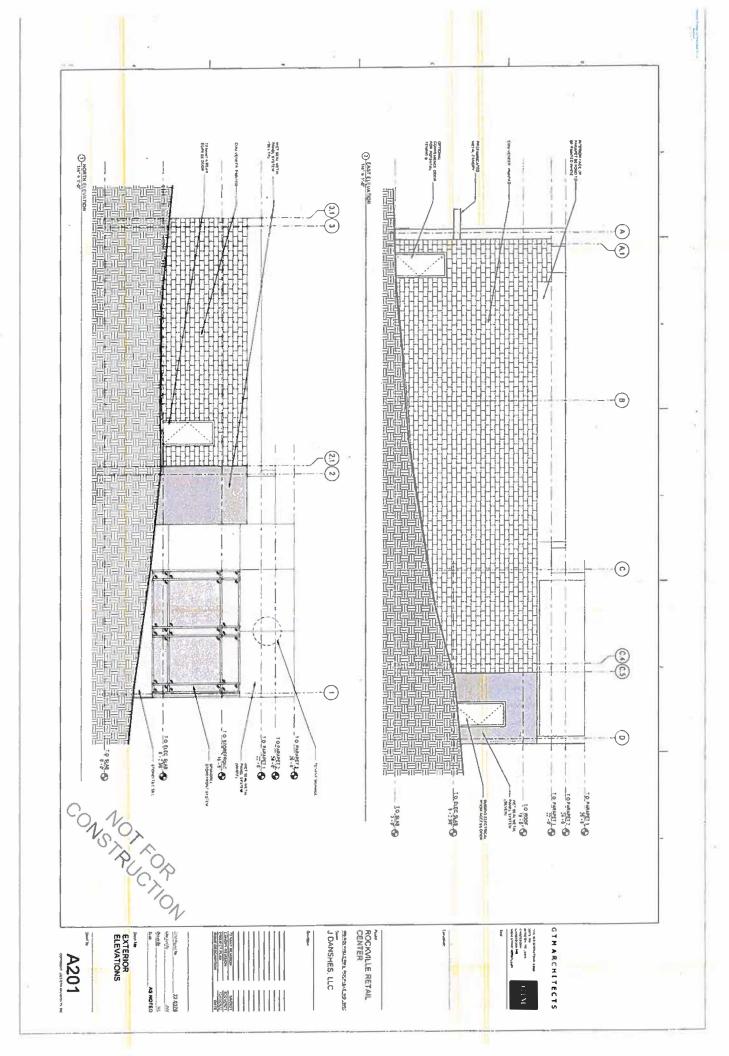
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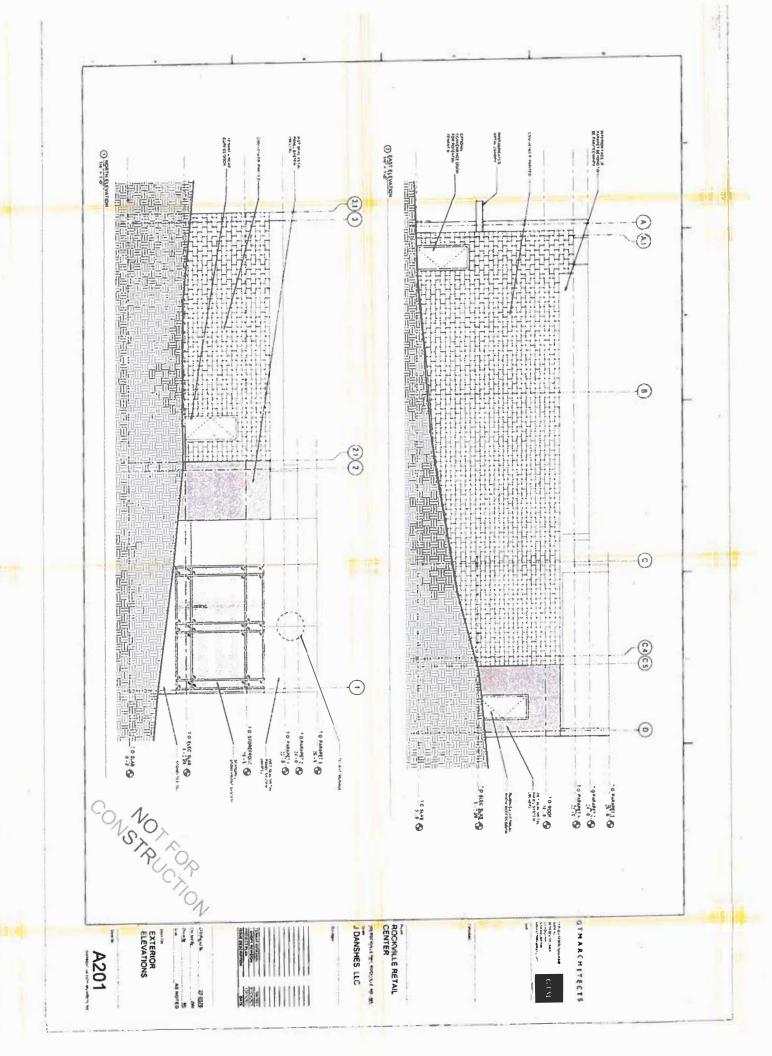


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Mary I







900 Rockville Pike
PJT2023-00016 Project Plan Resubmission
September, 2017 - Wells & Associates
June, 2023 - Amended - Street Traffic Studies, Ltd

INTRODUCTION

Wells and Associates initially prepared a Transportation Statement for the project 900 Rockville Pike in 2017. Since that time, certain elements of the project have changed and the City has requested that the original study be amended to reflect those changes. Street Traffic Studies has completed those amendments to the original report while maintaining the original components that remain unchanged. All text changes made by Street Traffic Studies will be clearly identified by italic type.

The purpose of this report is to provide a limited Comprehensive Transportation Review for a project which will generate less than 30 peak hour trips during the AM, PM and Saturday peak hours of the adjacent street system. This report has been prepared in accordance with the March 21, 2011 CTR Methodology and through correspondence with City of Rockville Staff.

Staff Correspondence is contained in Exhibit A.

The project, 900 Rockville Pike, is located along the east side of MD 355 (Rockville Pike) at the south-east corner of MD 355 (Rockville Pike)/Edmonston Drive Intersection as shown in Figure 1 below.

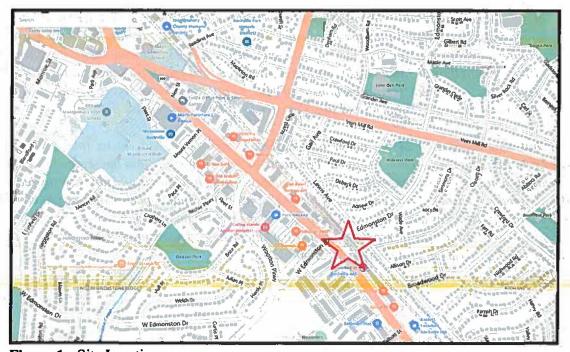


Figure 1 - Site Location

900 Rockville Pike
PJT2023-00016 Project Plan Resubmission
Revised June 2023
Page Two

The site is an unimproved vacant parcel located outside of a Transit Oriented Area (TOA), as defined in the City of Rockville Comprehensive Transportation Review Methodology.

900 Rockville Pike will, if approved, consist of the following mix of uses:

Land Use - Commercial Retail

Total 4,400 square feet

A development plan for the site was previously approved in 2006 for a 12,574 square foot furniture store. Details of this approval are summarized in Resolution 14-06. Subsequent to the approval, the City, the County and the MSHA have studied the design option to upgrade MD 355 within the City, to accommodate the future needs including the planned Bus Rapid Transit line.

The project Statement of Justification provides the full details of the history of that work but the following discussion details the current status as it impacts the subject property:

City planners and Public Works officials have advised the Applicant that SHA and MCDOT have finally concluded that the necessary width of Rockville Pike on the east side of the roadway adjacent to the subject property must be at least 93 feet from the centerline of the Pike. Within that distance must be located; a) three through drive lanes on the Pike, b) a right turn lane to eastbound Edmonston Drive, c) an 8 foot wide "cycle track", and d) a 7 foot wide sidewalk. Items © and (d) comprise a 15 foot "shared use path".

Since that time the design of the northbound MD 355 right turn lane at its intersection with Edmonston Road has been further refined. The decision has been made that the separate right turn lane would remain, however the existing features of a sweeping hot lane would not be provided. Due to the planned cycle track on the east side of MD 355, the operational concerns of the right turn lane require that it function as a signalized right turn movement, with no free right turns or right turn on red movements allowed. The design of the right turn lane will need to ensure that the geometry needs of truck turning movements are safely accommodated.

900 Rockville Pike
PJT2023-00016 Project Plan Resubmission
Revised June 2023
Page Three

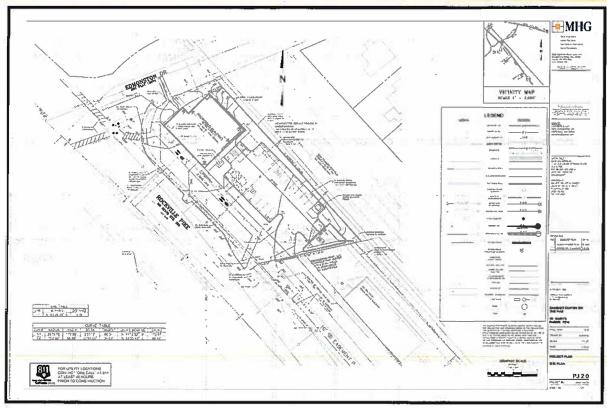


Figure 2 Site Project Plan

The Site Project Plan shown in Figure 2 above presents the proposed commercial office building, parking lot, and access drive adjusted to reflect the impact of the 93 foot offset from centerline for the future MD 355 and BRT upgrades.

VEHICLE TRIP GENERATION

The peak hour vehicle trips that would be generated by the 900 Rockville project were estimated using the trip generation rates/equations published by the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition. The trip generation for the proposed land uses is shown in Table 1 on the following page.

As noted in the table, a reduction in peak hour trips was applied to both the morning and evening peak hours to reflect the previously approved 12,579 square foot furniture store, previously approved for the site, as summarized in Resolution 14-06, for PPD 2006-00011.

900 Rockville Pike
PJT2023-00016 Project Plan Resubmission
Revised June 2023
Page Four

For consistency purposes, 11th ITE Trip Generation rates were applied for both the previous approval and the new proposed use. In both cases, average trips rates were used for both the morning and evening peak hours.

TABLE 1 TRIP GENERATION STUDY						
Morning Peak Hour			Even	ing Peak	Hour	
In	Out	Total	In	Out	Total	
6	4	10	14	15	29	
2	1	3	3	4	7	
4	3	7	11	11	22	
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ITE 11th Edition Trip Generation Manual used for all uses LU Code 822 - Shopping Center less than 40,000 sf LU Code 890 - Furniture Store

The average rate was used to calculate the trip generation for all peak hours.

As shown in Table 1, the project will generate 7 AM new peak hour trips, 22 PM new peak hour trips. As shown, the proposed development will generate fewer than 30 peak hour trips during the AM, PM periods. Therefore, a full CTR study is not required for the subject development.

900 Rockville Pike PJT2023-00016 Project Plan Resubmission Revised June 2023 Page Five

SITE ACCESS AND CIRCULATION

This section presents a proposed site access and circulation transportation statement and the proposed conditions site plan. Auto and non-auto site access and circulation are evaluated in this component.

PROPOSED SITE ACCESS AND CIRCULATION TRANSPORTATION STATEMENT

The Site Plan presented in Figure 2 shows the planned site features, which comply with City codes, standards, and policies.

The property is in proximity to an existing diverse transportation network that includes, bus, bicycle, and pedestrian facilities and services.

Hours of Operation and Other Services. It is anticipated that the hours of deliveries, pick-ups, and other services to the building at 900 Rockville Pike would be typical of other such buildings in the City of Rockville. Because of the relatively small size of the proposed building it is expected that truck deliveries will be made by a typical Single Unit Truck, referred to as a SU-30 design vehicle. Additionally, as is typical of a building of this size and nature, deliveries are typically scheduled during the "off-Peak" hours to minimize conflicts with customer access and parking.

Design Vehicles. The proposed site plan is designed to adequately accommodate all types of vehicles anticipated to access the site, including automobiles, delivery vehicles, trash trucks, taxis, motorcycles, and bicycles. Autoturn vehicle turning movement studies have been completed by the project engineer and are included in the submission packager demonstrating the expected truck turning movements both on the site and through the site access to MD 355.

Pedestrian Facilities. The information provided on the City of Rockville website indicates that sidewalks are currently provided along the property frontage on MD 355 (Rockville Pike) and on the northern end of the property on Edmonston Drive. As shown on Figure 2, the Site Project Plan, a 7 foot sidewalk is planned along the length of the MD 355 frontage, that will ultimately be part of the overall enhanced pedestrian network serving not just MD 355 but also a critical link to the planned BRT, with a station planned to be located in the median of MD 355, directly opposite the subject site.

Bicycle Facilities. The information provided on the City of Rockville website indicates that signed-shared roadway bicycle paths exist along Edmonston Drive and extends from Baltimore Road to Wootton Parkway. A copy of the bicycle routes and paths in the study area in included in Exhibit D.

900 Rockville Pike
PJT2023-00016 Project Plan Resubmission
Revised June 2023
Page Six

As shown on Figure 2, the Site Project Plan, a 8 foot - 2 way cycle track is planned along the length of the MD 355 frontage, that will ultimately be part of the overall enhanced pedestrian network serving not just MD 355 but also a critical link to the planned BRT, with a station planned to be located in the median of MD 355, directly opposite the subject site.

Public Transportation Facilities and Services. The subject site currently is served by two (2) Ride-On bus routes in the immediate vicinity.

The two Ride-On Bus routes offer service in Rockville:





From Twinbrook Metro Station to Rockville Metro Station- five days a week Shady Grove Metro to Medical Center - seven days a week

Based on recent discussions with Montgomery County project designers, the BRT design, which begins at the Bethesda Metro Station and extends north to Germantown is currently at the 35% design stage. The northern section which begins at Montgomery College is currently funded for construction; efforts are underway to secure the funding for the southern section. Current plans are for construction to begin in 2025 / 2026.

900 Rockville Pike PJT2023-00016 Project Plan Resubmission Revised June 2023 Page Seven

PROPOSED CONDITIONS SITE PLAN

Auto Site Access. As shown on site plan included in *Figure 2*, 900 Rockville Pike will be served by a shared access driveway located *along the east side of MD 355(Rockville Pike)*. The site entrance will be a right-in, right-out access only, and will operate under a stop sign control.

SUMMARY

900 Rockville Pike is located along the east side of MD 355 (Rockville Pike) at the south-east corner of MD 355 (Rockville Pike)/ Edmonston Drive Intersection. The property is currently unimproved and applicant proposes a development comprising 4,400 SF of commercial retail space.

The report has been prepared in accordance with the Comprehensive Transportation Review Methodology, but is limited to a discussion of only 2 of the components as required by the Comprehensive Transportation Review guidelines, and as discussed with City of Rockville staff. Vehicular access to the facility is provided via a shared driveway along MD 355(Rockville Pike),

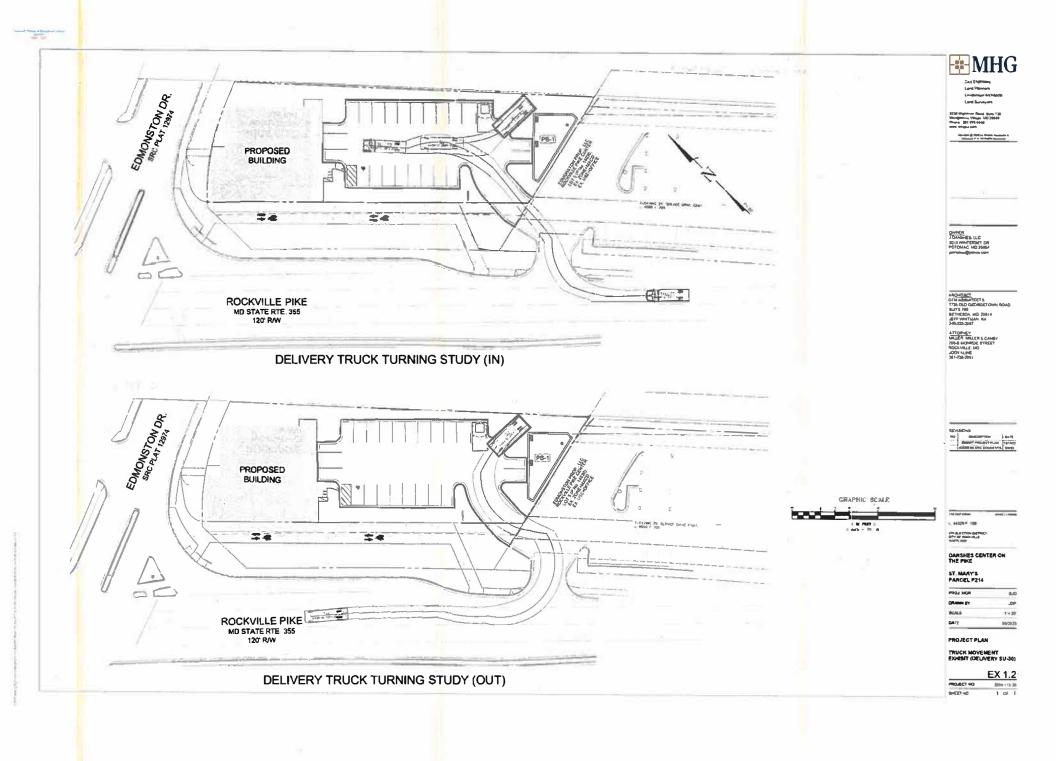
Sidewalks currently exist on the property's frontage along MD 355(Rockville Pike) and north of the property on Edmonston Drive. The site is also served by adequate transportation facilities transportation facilities. In brief, Ride On routes 44 and 46.

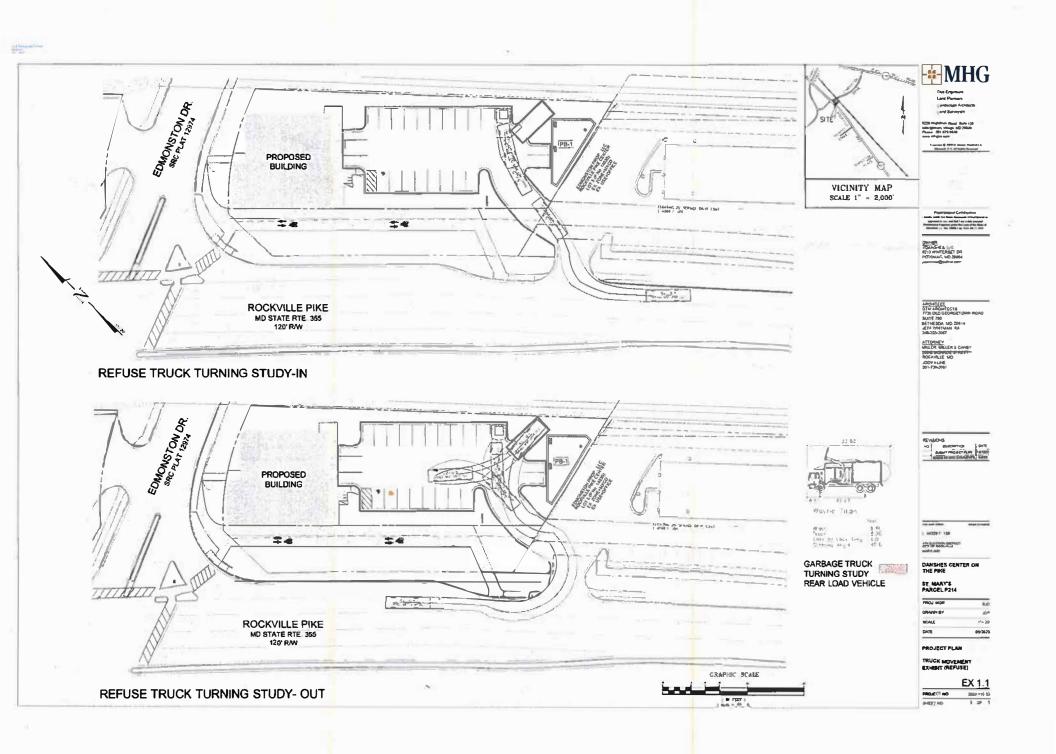
The site plan for the project has been modified to accommodate the design requirements for the upgrade of MD 355, including the planned BRT line. These design parameters as defined by the City planners, Public Works, SHA and MCDOT concluded that the necessary width of Rockville Pike on the east side of the roadway adjacent to the subject property must be at least 93 feet from the centerline of the Pike. Within that distance must be located; a) three through drive lanes on the Pike, b) a right turn lane to eastbound Edmonston Drive, c) an 8 foot wide "cycle track", and d) a 7 foot wide sidewalk. Items © and (d) comprise a 15 foot "shared use path".

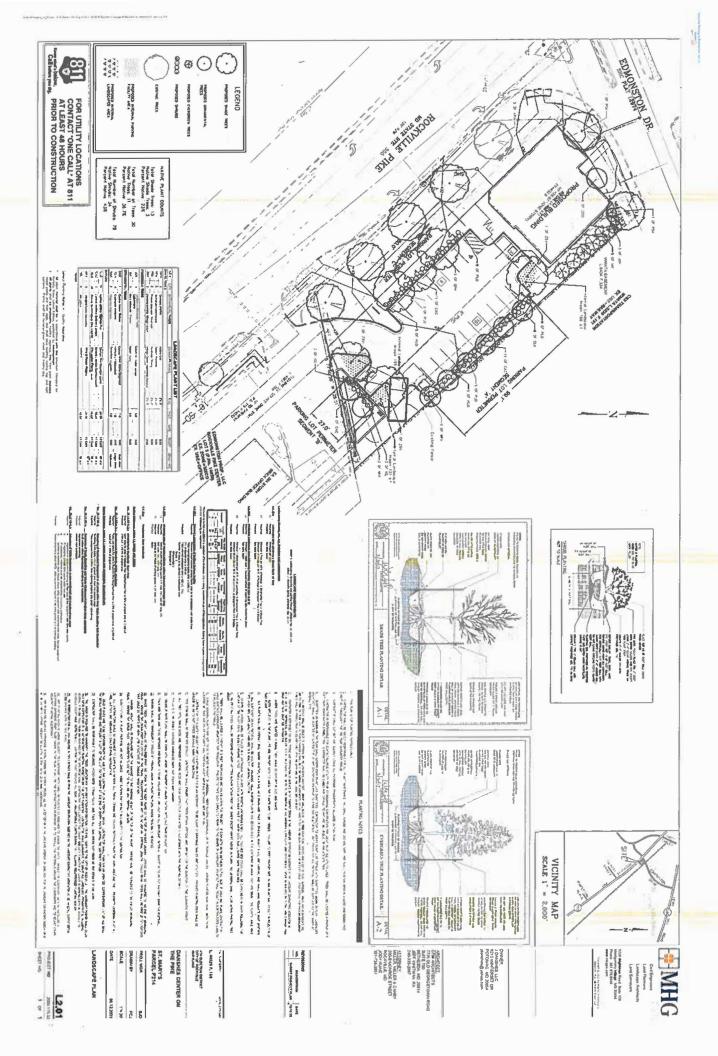
The Site Concept Plan developed for the subject property is in complete compliance with these requirements.

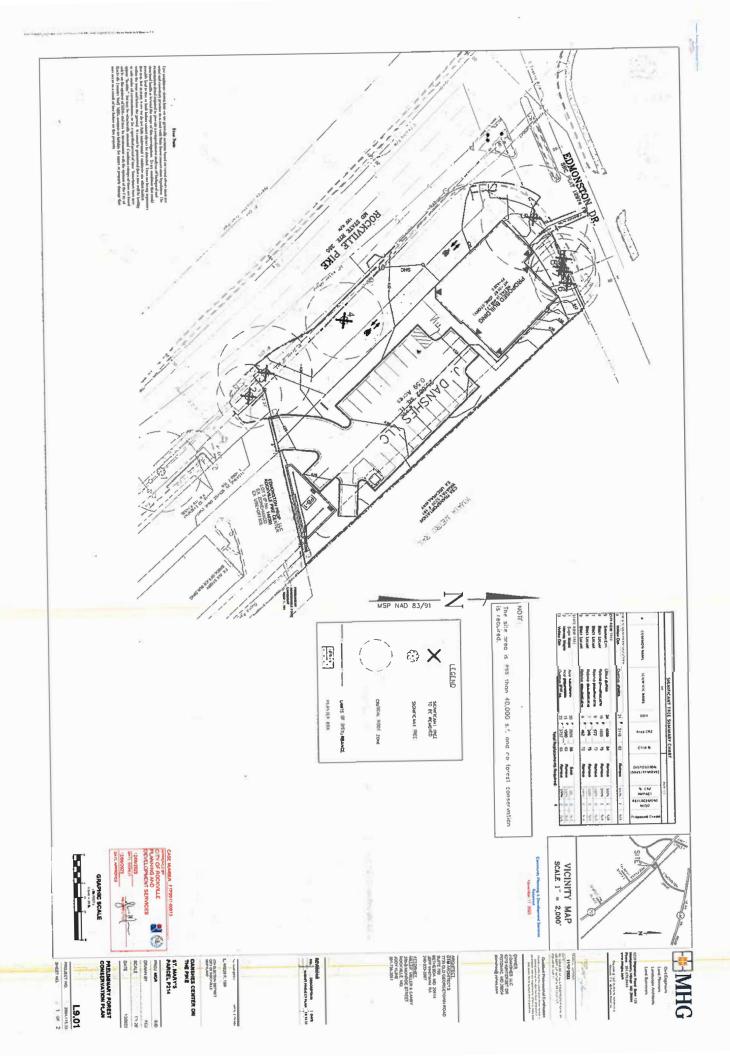
A trip generation analysis was conducted using the rates established in the Institute of Transportation Engineers, Trip Generation Manual, 11th Edition. Based on the analysis conducted, 900 Rockville will generate 7 new AM peak hour trips, 22 PM new peak hour trips. Since the site will generate less than the 30 trip threshold, a more extensive traffic study is not required.

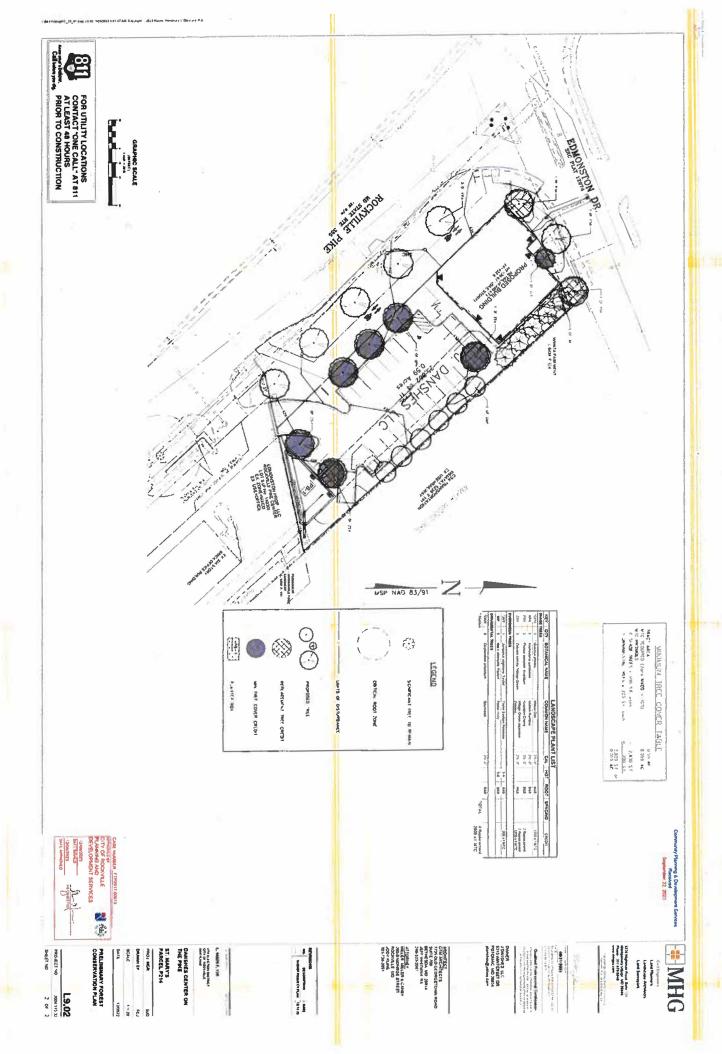
In summary, the proposed development will have no impact on the roadway network surrounding the site. Therefore, this report does not recommend any mitigation measures, nor does expansion of the site require any trip credits to offset the traffic impact.













III Maryland Avenue | Rockville, Maryland 20850-2364 | 240-314-5000

August 28, 2023

Mr. Joel Danshes J Danshes, L.L.C. 9213 Winterset Drive Potomac, Maryland 200854

SUBJECT:

900 Rockville Pike - Danshes' Center on the Pike -Pre-Application SWM Concept

Approval PJT2023-00016, SMC2023-00009

Dear Mr. Danshes:

The Pre-Application Stormwater Management (SWM) Concept (Concept) received for the above referenced site is conditionally approved. Staff has determined that the Pre-Application SWM Concept, as described below, achieves on-site Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP). This Pre-Application SWM Concept approval establishes ESD to the MEP as a PE of 1.80-inch for this project which is 100 percent of the required ESD volume (ESD_v).

This site is 0.59 acre and is identified as Parcel 214, St. Mary's, zoned Planned Development – Champion Billiards (PD-CB) with a designated equivalent zone of Mixed-Use Corridor District (MXCD), situated at 900 Rockville Pike on the southeast corner of the intersection of Edmonston Drive and MD-355. The proposed development includes the construction of a 4,400 square foot retail building, a surface parking lot and sidewalks, and frontage improvements for a 15-foot shared-use path. The property is in Lower Rock Creek Watershed. The on-site soil is designated as Urban Land which is classified as hydrologic soil group (HSG) D.

According to the Rockville City Code (Code), Chapter 19, Section 19-2 Definitions of the Rockville City Code, the Site qualifies as Development because it proposes construction on a property where existing imperviousness is less than 40 percent of the site. The site is currently a vacant lot which is 3.18 percent impervious.

In accordance with the Code, Chapter 19, Section 19-45, SWM is required for all new and replacement impervious area within the entire site area and the contiguous Rights-of-Way (ROW) as required by section 19-46, including all impervious area previously existing on the site that does not have SWM to current standards. According to the submitted Concept, the total limit of disturbance is 0.44 acre which is 100 percent of the site after the proposed dedication of ROW, and the on-site impervious area subject to SWM is 0.30 acre.

Per the Code, Chapter 19, Section 19-46, SWM also must be provided for imperviousness in a portion of the adjacent Edmonston Drive and MD-355 ROW. Per the submitted Concept, the total impervious area in the adjacent ROW subject to SWM is 0.13 acre.

Mr. Danshes August 28, 2023 Page 2

Your proposed Pre-Application SWM Concept, as shown on the attachment, is summarized as follows:

ON SITE SUMMARY

Proposed new or replacement impervious areas are summarized as:

One building, a surface parking lot, sidewalks, and associated site improvements.

Total on-site impervious area subject to SWM = 0.30 acre.

Environmental Site Design Measures

- The Concept proposes to provide a P_k = 1.80 inches equivalent to 100 percent of the required ESDv in the following on-site measures:
 - One micro-bioretention planter box facility.
- Summary of ESD:
 - Total ESDv provided = 1,888 cubic feet (cf.)
 - Total ESDv required = 1,888 cf.

Percentage of ESDv provided = 1,888 cf /1,888 cf. = 100 percent.

Structural Measures and/or Alternative Measures - Monetary Contribution

This Pre-Application SWM Concept Approval does not approve the methods for providing SWM beyond establishing the percent ESDv. However, the Pre-Application SWM proposes:

 Alternative Measures – Monetary contribution in-lieu of providing Qp10 for the on-site imperviousness (0.30 acre).

ROW SUMMARY

 Applicant proposes to provide W'Qv, Cpv, and Qp₁₀ for imperviousness in the adjacent ROW of Edmonston Drive and MD-355 (0.11 acre) via monetary contribution.

CONDITIONS OF APPROVAL

Staff has determined that ESD to the MEP has been met.

The next step in the City of Rockville (City) two-stage SWM Concept approval is submission of a Development SWM Concept for review and approval by the Department of Public Works (DPW) prior to Planning Commission approval of the Site Plan. In accordance with the Code, Chapter 19, Section 19-44, SWM must be provided by one of the following methods, which are listed in order of priority respectively: on-site ESD measures, on-site structural measures, and alternative measures which may include a monetary contribution.

Mr. Joel Danshes August 28, 2023 Page 3

This Pre-Application SWM Concept is conditionally approved subject to the following conditions, which must be addressed at the stages in the process as indicated below:

The submitted material must:

- 1. Include all plans, on 24" x 36" sheets, computations, and supporting documents as outlined in the City SWM Concept Checklist.
- 2. Demonstrate, with sufficient details and computations, how ESD to the MEP, established by this approval, will be achieved on-site.
- 3. Demonstrate, with sufficient details and computations, compliance with the full SWM requirements will be in accordance with the Code, Sections 19-43 and 19-44.
- 4. Include horizontal and vertical information to support the design, including underdrain pipes and overflow structures, and conveyance to the proposed microbioretention SWM facility.
- 5. Provide information that demonstrates that individually sized sub-drainage areas are safely conveyed to the individual ESD measures.
- 6. Submit a revised SWM/Forestry Overlay Plan demonstrating compliance with the Concept approval and the Preliminary Forest Conservation Plan approval.
- 7. Show and label preliminary SWM easements for all proposed SWM facilities. Easements should be sized to allow future inspection and maintenance.
- 8. The City may require an underground structural measure in-lieu of providing full ESD. SWM Alternatives, including monetary contribution as a method to meet SWM requirements, will be reviewed at the Development SWM Concept stage. Fee-in-lieu calculations associated with on-site areas should be presented separately from adjacent ROW areas.
- 9. Prepare a safe conveyance analysis of the downstream storm drain system and receiving stream. This letter establishes the study point as the storm drain pipe located on the east side of the WMATA Metro Rail property as shown on the attached exhibit entitled "900 Rockville Pike Safe Conveyance Analysis Limits." The safe conveyance analysis must be reviewed and approved by DPW prior to approval of the Development SWM Concept. However, this analysis may be reviewed concurrently with the Development SWM Concept.
- 10. Conceptual design for drainage connections to existing storm drains in Washington Metropolitan Area Transit Authority (WMATA) easements and ROW's must be submitted for review prior to the approval of the Development Stormwater Management Concept.
- 11. The Applicant must comply with all requirements of WMATA's Joint Development and Adjacent Construction Manual, Design Criteria, and the provisions of any existing easement on the property. The Applicant must identify all proposed SWM facilities or private storm drain within the WMATA Zone of Influence on the property and provide the City with all correspondence related to compliance with WMATA's requirements. Any significant changes to the proposed development to comply with WMATA's Design Criteria may require the applicant to revise the plan to comply with all stormwater management requirements.

This Pre-Application SWM Concept does not supersede or negate other required project approvals. The Concept approval does not approve the layout or density of the site. The Concept approval is contingent upon compliance of all other City and other governmental agency requirements including, but not limited to, Forestry, Traffic and Transportation, and Planning.

Any significant changes to the proposed development may result in the requirement to submit a revised Pre-Application SWM Concept with review fee for approval by DPW.

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Mr. Joel Danshes August 28, 2023 Page 4

If you have questions, please contact Principal Civil Engineer Sean Murphy via email at smurphy@rockvillemd.gov or via telephone at 240-314-8535.

Sincerely,

John Scabis, P.E. Chief of Engineering

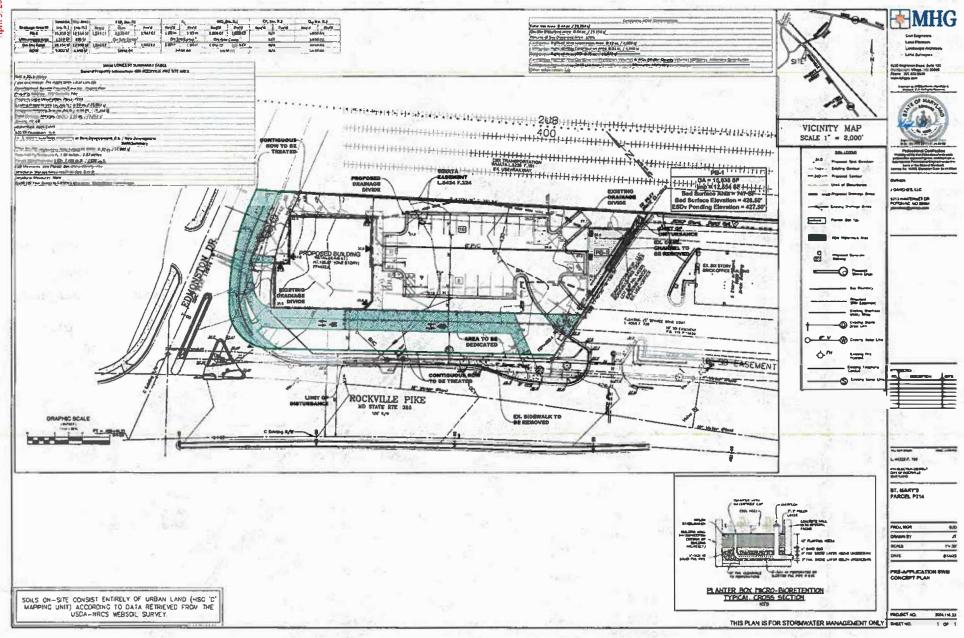
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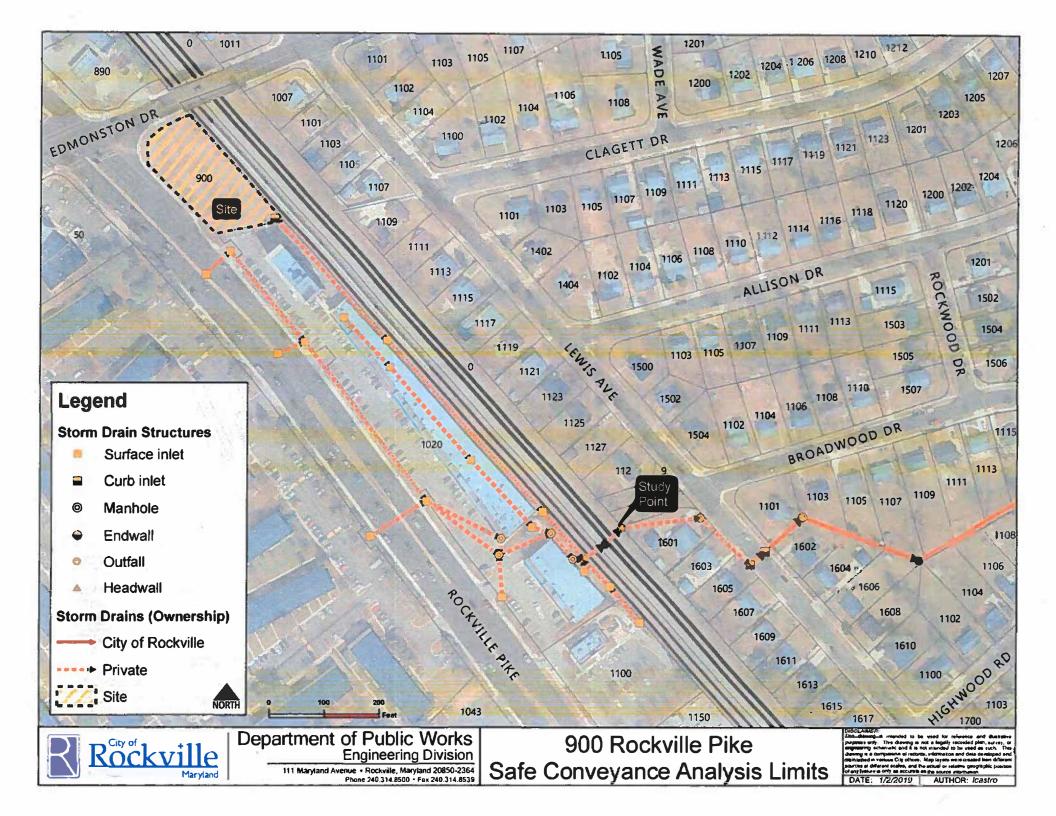
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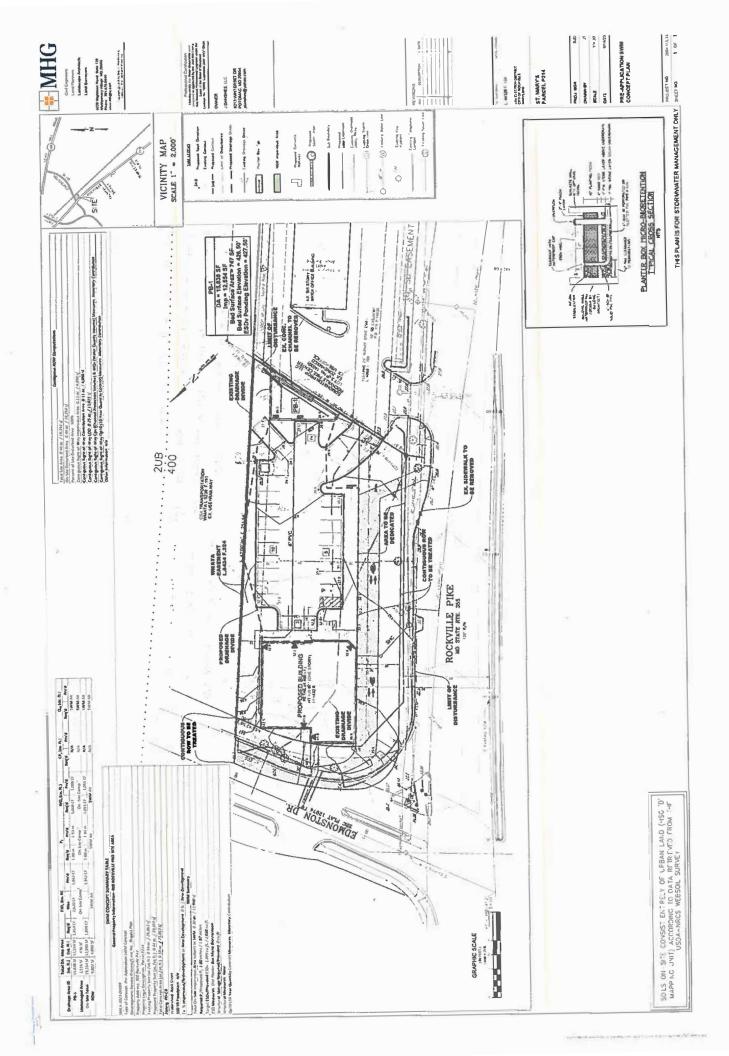
Attachments: 900 Rockville Pike – Danshes' Center on the Pike – Pre-Application SWM Concept Plan, dated August 22, 2023.

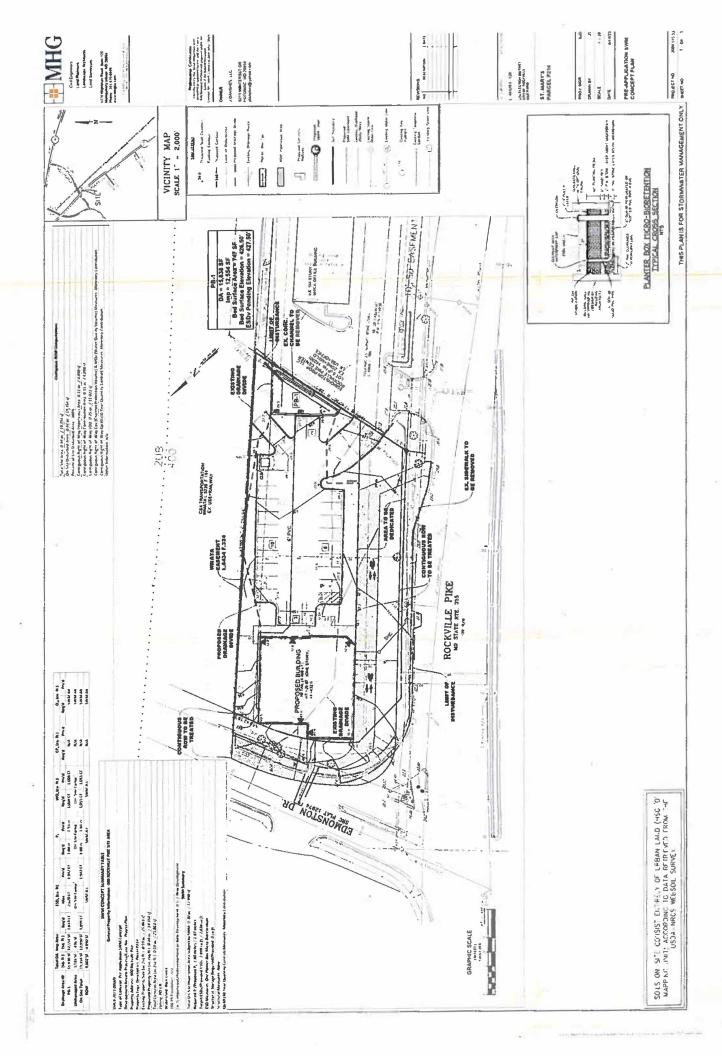
900 Rockville Pike – Danshes' Center on the Pike – Safe Conveyance Analysis Limits.

cc: Jim Lapping, Engineering Supervisor
Shaun Ryan, Planning Supervisor
Li Alligood, Principal Planner
Brian Donnelly, Macris, Hendrick & Glascock, P.A.
Jody Kline, Miller, Miller & Canby
SWM Concept file
Permit plan, PJT2023-00016, SMC2023-00009
Day file









Community Planning & Development Services Received April 3, 2025

> DANSHES CENTER ON THE PIKE ST. MARY'S -PARCEL P214 900 Rockville Pike PJT2018-00010

From: James Lapping <jlapping@rockvillemd.gov>
Sent: Monday, December 05, 2022 8:14 AM
To: Paul pswienton <pswienton@mhgpa.com>
Cc: Brian Donnelly <bdonnelly@mhgpa.com>

Subject: RE: W&S Authorization

Paul,

I couldn't find an actual Water & Sewer Authorization approval letter for 900 Rockville Pike. The language in the staff report from the 2019 M&C public hearing is below. We'll use the same language when the project moves forward.

Water and Sewer

The applicant is not required to obtain a Water and Sewer Authorization Letter. The proposed amendment represents a reduction in the water and sewer demand from the previously approved Project Plan for the property.

James D. Lapping, P.E.

Engineering Supervisor - Development Review Department of Public Works ilapping@rockvillemd.gov
City of Rockville
111 Maryland Avenue
Rockville, Maryland 20850
240-314-8507
www.rockvillemd.gov



From: Paul pswienton <pswienton@mhgpa.com>

Sent: Sunday, December 4, 2022 9:46 PM
To: James Lapping <i lapping@rockvillemd.gov>
Cc: Brian Donnelly

Sunday, December 4, 2022 9:46 PM
To: James Lapping <i lapping@rockvillemd.gov>

Subject: W&S Authorization

WARNING - External email. Exercise caution.

Hi Jim

Can you please check to see if there is an approved **W&S** Authorization for **900** Rockville Pike in Rockville. We are doing work on this property and the client believes that there is already a Authorization for this.

Please let me know when you have a chance. Thank you Paul



Paul A. Swienton
Macris, Hendricks and Glascock, P.A.
Engineers • Planners • Landscape Architects • Surveyors
9220 Wightman Road, Suite 120
Montgomery Village, Maryland 20886-1279

Phone: 301.670.0840 Ext. 1053 Email: pswienton@mhgpa.com



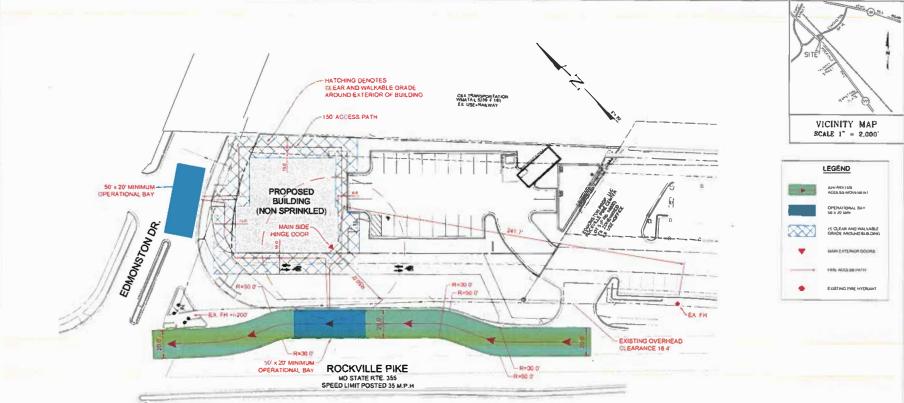
DEPARTMENT OF PUBLIC WORKS 111 Maryland Avenue, Rockville, Maryland 20850, 240-314-8500 WATER AND SEWER AUTHORIZATION APPLICATION (WSA)

For City Use: CPDS Case # _PJT2025-00022

WSA Case #

GENERAL PROJECT INFO Project Name and Address:	RMATION: ST. MARY	S - 900 ROCKVILLE	PIKE	
Property Description: Subdivision	D: ST MARY'S	(s) and Block(s)	Parcel(s)	214
Tax ID(s):04-0 240134				
Applicant J DANSHES LLC		Conta	act Person: JOEI	. DANSHES
Address: _9213 WINTERSET DE	RIVE, POTOMAC, MD 208	354		
F. mail Address: jdanshes@yaho	o.com	Telep	shone No:	
Property Owner (if different from	n ahove):	Cont	act Person:	
Address:				
E-mail Address.	n l	Telep	hone No:	
Engineering Firm: MHG		Conta	act Person: PAUL	. SWIENTON
Address: 9220 WIGHTMAN ROA		MERY VILLAGE. MI	D 208 86	
E-mail Address: pswienton@mhs	дра.com	Telep	hone No: 301-67	0-0840
Submittal Requirements: (Check to confirm that items have Corresponding CDPS Plan Deliminary profiles for shallo	☐ Preliminary profiles for		feet	
Requested Service: (Check all that apply) Public Water Main Extension Public Sewer Extension Fire Hydrant	lx Water Service Con x Sewer Service Con ☐ Other:	nection Ab	oandon Water Ser oandon Sewer Ser	
Special Project Conditions: (Check all that apply) Pressure Sewer Off Site Footbar (specify)	asement Required 🔲	On-Site Easement Rec	quired	
Specific Use	Unit (SF, each, etc.)	AWF/Unit (g.p.	.d)/per Use **	Average Demand (g,n,d)**
	<u> </u>	Total =	17-2	Total =
		1 10001		10001
Proposed Use Information (in	Unit (SF, each, etc.)	AWF/Unit (g.p	al /man F In a stock	A
Specific Use RETAIL	4,400 SF	0.069		Average Demand (g.p.d)** 304
KEIAIL	4,400 31	0.00		304
		77-1-1-0.00		T . 1 = 304
**AWF = Average Wastewater I	llow Flow and domand an	Total = 0.069		Total = 304
Design Manual, latest edition. If Source:				
SIGNATURE OF PROPERT	Y OWNER/APPLICAN	NT:		
If Applicant is the Property Owner:				
Property Owner's Signature:				
Name and Title (Please Print):				
I hereby certify that I am the Pro	perty Owner an <mark>d</mark> I have a			
Property Owner's Signature: Name and Title (Please Print):		Date	:	
Updated July 9, 2019				







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CODE ANALYSIS	NEW BULDING		
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Track : 8.25 Lock to Lock Time : 6.0 Steering Angle : 40.0

FIRE APPARATUS ACCESS PLAN

	EA 1.0
PROJECT NO	2804 116.53
SHEET NO	1 OF 1

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ACCOUNTY
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MOCAVELL: NO
2011 CRUSS
2011 CRUSS
2011 CRUSS

L-065/6+ 100

DANSHES CENTER ON THE PIKE

ST. MARY'S PARCEL P214

HCALE 1'+30 DATE 05/2023

PROJECT PLAN

RESOLUTION:

To approve, with conditions, Project Plan Application PJT2023-00016, an Amendment to the Champion Billiards Planned Development

WHEREAS, under Chapter 25 of the Rockville City Code, the Mayor and Council of Rockville ("Mayor and Council") is authorized to review project plan applications; and

WHEREAS, on October 23, 2006, the Mayor and Council approved Resolution No. 14-06 approving Preliminary Planned Development Application PDP2006-00011 for a 25,863-square-foot parcel of land located at the southeast corner of the intersection of Edmonston Drive and Rockville Pike (MD 355) (the "Property"); and

WHEREAS the approval of the Preliminary Planned Development Application permitted a two-story, 12,574-square-foot, freestanding, single-use retail building with 36 at-grade parking spaces in accordance with the Optional Method of Development for the RPC zone; and

WHEREAS, on April 3, 2023, J Danshes, LLC (the "Applicant") filed Project Plan Application PJT2023-00016 (the "Project Plan Application" or "Application"), pursuant to Section 25.14.07.e of the Zoning Ordinance, proposing to amend the Approved Champion Billiards Planned Development to allow for the development of 4,400 square feet of retail with associated surface parking on the Property as shown on the Project Plan Site Plan ("Site Plan") included with the Application and attached hereto as Exhibit "A"; and

WHEREAS, pursuant to Sections 25.07.03 and 25.07.07 of the Zoning Ordinance, the Applicant met all notice requirements and conducted two public area meetings: a pre-application area meeting held on February 7, 2017, and a post-application area meeting held on April 26, 2023; and

WHEREAS, pursuant to Section 25.07.07 of the Zoning Ordinance, the Planning Commission and the Mayor and Council received briefings on the Application on April 26, 2023 and May 8, 2023, respectively; and

WHEREAS, pursuant to Section 25.07.07 of the Zoning Ordinance, the Planning Commission at its meeting on January 10, 2024, reviewed the Application, and after considering the information presented and testimony provided, voted to recommend that the Mayor and

Council approve the Application subject to certain conditions; and

WHEREAS, pursuant to Sections 25.05.03, 25.07.03, and 25.07.07 of the Zoning Ordinance, a duly noticed public hearing on the Application was held by the Mayor and Council on July 8, 2024, at which the Mayor and Council heard testimony and received evidence on the Application; and

WHEREAS, at its July 29, 2024 meeting, the Mayor and Council voted to direct City staff to bring back to the body a resolution approving the Application, based upon the findings and conditions recommended by staff and information presented and testimony provided as contained in the public record.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council approves Project Plan Application PJT2023-00016, to allow a 4,400 square-foot retail building with associated surface parking, subject to the following conditions:

- 1. The proposed development must be designed in a manner generally consistent with the concept design and associated exhibits of the Project Plan Concept dated November 9, 2023. The permitted square footage is an "up-to" maximum and in no way absolves the Applicant from demonstrating that the specific terms of all applicable City Ordinances can be met at the site plan, except as otherwise outlined within the Project Plan approval resolution.
- 2. Prior to issuance of any occupancy permit, the Applicant must construct all public improvements within the Property and Rockville Pike right-of-way, including but not limited to street trees, streetlights, streetlight conduit, traffic signs, new seven-foot sidewalk, and eight-foot bicycle path as depicted on Sheet PJ 2.0 of the project plan and in accordance all applicable City standards or the standards of the jurisdiction of the corresponding right-of-way. Public improvements must be located within the right-of-way or within a Public Improvements Easement (PIE) as approved by the Director of Public Works.
- 3. Prior to any DPW permit, Applicant must obtain all necessary approval and/or permits for closure of the Rockville Pike driveway access point, construction of improvements within SHA right-of-way, and utility connections proposed on the Project Plan from all agencies with jurisdiction, including Maryland State Highway Administration (SHA) and the City of Rockville.
- 4. Applicant shall comply with the conditions of the Department of Public Works' (DPW's) Pre-Application SWM Concept Approval Letter dated August 28, 2023, attached as the "Pre-Application SWM Concept Approval Letter" attachment.

- 5. Applicant must comply with all requirements of WMATA's Joint Development and Adjacent Construction Manual, Design Criteria, and the provisions of all existing WMATA easements on the Property. Prior to submission of the site plan application, the Applicant must identify all proposed developments within the WMATA Zone of Influence on the Property and provide the City with all correspondence related to compliance with WMATA's requirements. The Applicant must receive written approval of the design and construction methods for all improvements near WMATA's right-of-way prior to the issuance of any DPW permit. Any significant changes to the proposed development necessary to comply with WMATA's Design Criteria may require the Applicant to revise the project plan to comply with all City requirements.
- 6. If present, the 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. If the Grantee's permission for such work is required, the Applicant must secure the Grantee's written permission for any proposed development activity within the easement, or the easement must be extinguished, prior to the submission of an application for any DPW permit.
- 7. Submission for review and approval by the Office of the City Attorney prior to DPW permit issuance, all necessary deeds, easements, agreements, dedications, and declarations. Drafts of the documents must be included with the initial submission of the engineering plans and must be recorded prior to issuance of DPW permits unless otherwise allowed by DPW.
- 8. Prior to Site Plan approval, the Applicant must submit a conceptual dry utility plan to be deemed appropriate by both the utility companies and the Department of Public Works. The dry utility plan must demonstrate there is adequate space between the building and the powerlines to minimize the risk of electric shock, fire, power cuts, or damage to the Property or powerlines. The dry utility plan must demonstrate that both the proposed condition and the future condition for the planned BRT infrastructure can be safely constructed.
- 9. Trash, delivery, and service vehicles accessing the site shall be limited to SU-30 equivalent or smaller except for emergency vehicles.
- 10. After Site Plan approval and prior to issuance of any Public Works Permit, the Applicant shall dedicate for public use any property along the Property frontage that lies within a minimum of

93 feet from the existing roadway center, of which approximately 32 feet is located beyond the existing SHA Rockville Pike right-of-way. The right-of-way to be dedicated to the City of Rockville shall be in accordance with the Project Plan and exhibits, including those coordinated with MCDOT to accommodate the future MD 355 Bus Rapid Transitway (BRT), seven-foot pedestrian walkway and eight-foot bicycle path. Any deviation must be approved by the Director of Public Works at the Site Plan phase.

- 11. Prior to the issuance of any occupancy permit, the Applicant shall construct the required 7-foot-wide sidewalk next to the required and buffered 8-foot-wide cycle track with adequate transitions along the site frontage with MD 355 and as shown on the plan per the City and SHA standards.
- 12. The Applicant shall submit to DPW for review and approval by the Chief, Traffic and Transportation Division, prior to issuance of any building permit a detailed signing and marking plan including proposed signs that limits no larger than Su-30 commercial vehicles to and from the subject site and prepared in accordance with the latest edition of the Maryland Manual on Uniform Traffic Control Devices (MD-MUTCD).
- 13. During construction, the Applicant must ensure access to the existing adjacent office building and its parking lot are continuously maintained and provided. All parking for site contractors must be provided on-site.
- 14. Site Plan application shall comply with Sheet EX 1.0.
- 15. At the time of site plan submission, the Applicant must show the location of the Fire Department Access Box (Knox Box).
- 16. The Applicant must apply for a waiver consistent with section 4.d.3(b) of the Landscape, Lighting, and Screening Manual from the Planning Commission for Segment 'A' shown on Sheet L2.01 if necessitated by the final Landscape Plan. The waiver must be approved before or concurrently with Site Plan approval.
- 17. The Applicant must apply for a waiver consistent with section 4.d.3(c) of the Landscape, Lighting, and Screening Manual for Segment 'B' shown on Sheet L2.01 if necessitated by the final Landscape Plan. The waiver must be approved before or concurrently with Site Plan approval.
- 18. Before the issuance of any building, forestry, or DPW permits, the Applicant must obtain approval of a Final Forest Conservation Plan (Final FCP).

- 19. 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.
- 20. The Applicant must adhere to and meet all requirements of the PFCP approval letter in preparation for the submittal and approval of their FFCP.
- 21. The Applicant must comply with the City's Publicly Accessible Art in Private Development Ordinance. Applicant must provide a concept plan for approval prior to issuance of a building permit.

BE IT FURTHER RESOLVED THAT, for the purposes of this Resolution, the approved Project Plan means this Resolution and the exhibits to this Resolution listed below and attached hereto, including notations, references, descriptions, and writings on the Exhibits, except as modified by the above conditions of approval:

- 1. Exhibit A: Project Plan Site Plan dated November 9, 2023;
- 2. Exhibit B: Champion Billiards Planned Development, Resolution No. 14-06;
- 3. Exhibit C: Preliminary Forest Conservation Approval Letter;
- 4. Exhibit D: Preapplication Stormwater Management Concept Letter.

BE IT FURTHER RESOLVED THAT, having considered the recommendations and findings of its Staff as presented at the public hearings on this Application and as set forth in the Staff Report on the Application presented to the Mayor and Council at its July 8, 2024 meeting, which the Mayor and Council hereby adopts and incorporates by reference, except as modified herein, and upon consideration of the entire administrative record, the Mayor and Council, pursuant to Section 25.07.01.b.2 of the Zoning Ordinance, finds and determines, with the above conditions of approval, that:

1. The Application will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed project.

The development of the Property with a commercial building as proposed by the Application will not be detrimental to the health and safety of persons working or living in this area, which is intended for commercial development. The proposed development includes improvements to the pedestrian, bicycle, and transit infrastructure in this area, which will improve connectivity and safety.

The proposed retail use of the Property is a permitted use in the MXCD zone. Retail uses include a variety of sales uses but do not include restaurants or eating establishments. The site design incorporates improvements to the Rockville Pike frontage to safely accommodate pedestrians and bicycles and will not adversely affect the health or safety of persons residing or working in the neighborhood of the Property. In fact, these improvements will improve the safety of pedestrians and bicyclists in the area and customers visiting the site using those modes.

Although the Property is a corner lot, direct vehicular access from Edmonston Drive has been closed and direct vehicular access from Rockville Pike is not recommended by SHA due to its location in a turn lane. As noted in Finding 2 below, the Pike Plan calls for the retention of existing public access easements in this section of the Pike Plan area, and the proposed development provides access from an existing public access easement in conformance with the Pike Plan.

This vehicular access will not adversely affect the health or safety of persons residing or working near the Property. While representatives of the owner of the property immediately to the south (the "Edmonston Property") argued that the vehicular access proposed by the Application would negatively impact the use and development potential of the Edmonston Property, the Mayor and Council finds otherwise. The Edmonston Property is already burdened by and responsible for the maintenance of an existing service drive constructed within a public access easement intended to facilitate public vehicular access to both the subject Property and the Edmonston Property.

The Project Plan does not require the taking of any of the Edmonston Property for public use, nor does it require the Mayor and Council to adjudicate a dispute between the Applicant and the owner of the Edmonston Property over whether the public right of way at the northernmost curb cut on the Edmonston Property connects to the public access easement. Based on exhibits provided by the Applicant and analyzed by City staff, all three access points from MD 355 to the Edmonston Property provide safe access to the service drive within the public access easement, and it is undisputed that two of these access points connect directly with the public access easement. Based on the evidence provided by the Applicant and analyzed by City staff, the service drive is operating at an acceptable level of service and will continue to do so with the traffic that would be generated by the proposed development on the Property, particularly with the restriction on the size of trucks accessing the Property as conditioned above.

2. The Application will not be in conflict with the Plan.

The Property is located within Planning Area 9 (Rockville Pike) of the City of Rockville's Comprehensive Plan, Rockville 2040 (the "2040 Plan"). The 2040 Plan includes goals, policies, and actions that are compatible with this development proposal. These compatibilities are:

- Providing adequate space to construct the MD-355 Bus Rapid Transit (BRT) and bicycle and pedestrian facilities called for by the 2017 Bikeway Master Plan will advance the City's goal of reconstructing Rockville Pike/MD-355 as a multi-modal boulevard.
- The intersection of Edmonston Drive and Rockville Pike has been identified as a BRT station. Thus, it is desirable given the general transit-oriented land use goals of the Comprehensive Plan to cluster destinations and improve bicycle and pedestrian infrastructure around planned station areas, rather than the existing use, which is vacant.
- "Support a robust commercial base." (Page 44). The proposed development will increase commercial activity along Rockville Pike.
- Planning Area 9 policies direct the City to work with property owners to improve the function and aesthetics of Rockville Pike, as outlined in the 2016 Rockville Pike Neighborhood Plan. The proposed reconstruction of the Rockville Pike frontage to include bicycle and pedestrian facilities and accommodate the future BRT alignment directly supports this policy.

Transportation Policies

The Application is not in conflict with the transportation policies of the plan. Chapter 4 of the Pike Plan calls for the development of Rockville Pike as a multi-modal boulevard, including a system of parallel access roads to allow vehicles, bicycles, and pedestrians to travel from business to business without entering Rockville Pike. Per the Pike Plan (Page 1-6):

"The access roads recommended by this plan provide access to private property that is not directly connected to the main thoroughfare. They are also intended to reduce the number of curb cuts and driveways along the portion of the Pike designed for through traffic, thereby improving flow in those main lanes. Access roads can link multiple adjoining properties to enable a "park once and walk" environment. Their design is for slower speeds, reducing the vehicle conflicts among faster-moving vehicles, slower-moving vehicles, bicyclists, and pedestrians that currently occur on the Pike."

The Pike Plan describes exceptions to the access road requirements for properties within the Middle/North Pike East Plan area. Within this area, the Pike Plan calls for some modifications of the access road concept (Page 4-7):

- "Implementation of the boulevard vision for properties in these locations may include modifications to support the auto-reliant nature of this portion of the corridor and preserve the viability of businesses, as long as inter-site vehicular and bicycle movement, a continuous public sidewalk, and pedestrian, bicycle and vehicular safety are assured." The Project Plan proposes the reconstruction of the existing sidewalk along Rockville Pike, which will continue to connect to the existing sidewalk to the south and to the sidewalk along the Edmonston Drive frontage of the Property. A pedestrian walkway and bicycle path will be constructed with the project and will eventually connect with a network of pedestrian walkways and bicycle paths as properties to the south and north redevelop.
- "It is important to retain existing easements and to continue to obtain easements along the Pike to allow inter-site vehicular movement, and to require that all sites in this area provide for inter-site movement when they redevelop." The Project Plan includes access from an existing access easement to allow inter-site vehicular movement.
- "Reducing the number of curb cuts from the main travel lanes should be a priority in this area, as it is in the entire corridor, to improve traffic flow in the main lanes while maintaining access to all properties." The Project Plan envisions closure of the remaining site curb cut from Rockville Pike in accordance with Maryland SHA requirements.

Land Use Policies

In addition to transportation policies, the Pike Plan establishes urban design policies for new development along Rockville Pike:

- Parking should be located, whenever possible, "in structures behind or under buildings, thereby minimizing inactive zones and reducing the visually unappealing effect of large surface lots in front of buildings" (Pages 4-40). However, the Pike Plan recognizes that properties within the Middle/North Pike East Plan area may require surface parking due to site constraints. Due to the constraints of the lot size, the Project Plan is not inconsistent with the Pike Plan because the lot is small, and the parking is located to the side rather than in front of the building.
 - A "build-to line" along Rockville Pike is established to create a consistent street wall

while accommodating anticipated pedestrian, bicycle, and BRT infrastructure. A minimum setback (or reduced build-to line) of 85 feet from the Rockville Pike centerline was approved by PDP2006-00011 and is the minimum build-to line permitted. As shown in Sheet PJ 2.0, the currently proposed building setback is 93 feet from the Rockville Pike centerline, an increase of 8 feet from the approved build-to line. The building abuts the public pedestrian walkway and 100% of the façade is located at the setback line. This request would place the building further than 85 feet from the Pike centerline but will continue to meet the intent of the Pike Plan by providing enclosure and transparency along the pedestrian realm. This standard is addressed more thoroughly in Finding 4.

3. The Application will not 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.

The Project Plan will not 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 (APFS).

Schools

No residential uses are planned, and therefore, the proposed development is not subject to the school's test in the APFS.

Water and Sewer

The Applicant is not required to obtain a Water and Sewer Authorization Letter. The proposed amendment represents a reduction in the water and sewer demand from the previously approved Planned Development/Project Plan for the Property.

Roadway Network Analysis

A limited-scope On-Site Transportation Report was prepared in accordance with the City's Comprehensive Transportation Review (CTR) requirements since the proposed development with consideration of all vested AM and PM peak trips for approved uses is projected to generate less than 30 peak-hour trips. The submitted on-site Transportation Report focused on the site access, on-site circulation, transit, pedestrian, and bicycle accessibility and accommodations and to ensure adequate transportation facilities exist during and after a development project is complete as required by the CTR. On March 25, 2024, the Applicant submitted an additional and updated traffic analysis that evaluated the adequacy of the existing service drive and its immediate access driveways to MD 355 for the existing and total traffic conditions which is the sum of existing traffic

and the projected traffic of the proposed development.

Both reports were reviewed by the Department of Public Works (DPW) Traffic & Transportation staff. Based on this review Mayor and Council finds:

- (1) The proposed development of 4,400 square feet of retail use represents a reduction in the previously approved development and will not generate thirty (30) or more new peak hour vehicle trips, as shown in the table below.
- (2) The development will not substantively alter or change vehicular traffic flow movements in and around the Property.
- (3) The existing service drive and its access driveways to MD 355 are and will continue to operate adequately with the additional vehicular traffic generated by the proposed development.

4. <u>The Application will not constitute a violation of any provision of the Zoning</u> Code or other applicable law.

Based on the staff report and other evidence of record, the Application is consistent with the requirements of the Zoning Ordinance. All development standards to include landscaping, open area and public use space requirements have been met during this Project Plan stage of the development project.

The proposed retail land use is compatible with the uses identified in the land use table in the Zoning Ordinance for the MXCD Zone and is also consistent with the Comprehensive Plan as detailed above. The requirements under Sections 25.13.06 (Additional design guidelines) and 25.13.07.b (Special design regulations for individual mixed-use zones – MXCD) will ensure the thoughtful and sensitive design is utilized in this project. Compliance with these sections will be confirmed during the site plan review. The Proposal also complies with other MXCD Zone development standards including height requirements and setbacks.

The Zoning Ordinance requires 15% open space and 15% public use space, and the Applicant has reserved enough land area to comply with this requirement in a prominent, publicly accessible location, including the pedestrian walkway and bicycle path along the Property frontage.

Sec. 25.13.05 establishes a build-to-line for properties within the Rockville Pike Neighborhood Plan area. The build-to line for this Property is 116 feet from the Rockville Pike centerline. For parcels located in an area where the distance between the Rockville Pike right-of-way and the CSX/WMATA right-of-way is less than 300 feet, as it is for this site, a reduced build-to line may be applied per Sec. 25.13.05.a.2.(b).(iii).A. The build-to line must be adjusted by

establishing it at a point three-quarters of the distance from the CSX/Metro right-of-way to the Rockville Pike right-of-way and can be reduced to 85 feet so long as inter-site vehicular and bicycle movement and a continuous public sidewalk are provided.

For this Property, that calculation would result in a build-to line of 82.5 to 87.75 feet from the Rockville Pike centerline (per public records, the site measures 110 feet from CSX/Metro right-of-way to Rockville Pike right-of-way at the southern end and 117 feet at the northern end). The 85-foot build-to line would take precedence over the lower end of the measurement and was the build-to line approved by the PD. The Applicant proposes to locate the building 93 feet from the Rockville Pike centerline, which exceeds the minimum build-to line as calculated per Sec. 25.13.05.a.2.(b).(iii).A.

This build-to line represents both a minimum and maximum setback, where it applies, and requires that at least 70% of the façade along Rockville Pike (classified as a Major roadway) and 30% along Edmonston Drive (classified as a Primary Residential Class I roadway) be constructed at the build-to line. As proposed, 100% of the façade along Rockville Pike will be constructed at the reduced build-to line and approximately 50% of the façade along Edmonston Drive will be constructed at the build-to line.

Fire access is met subject to the conditions of approval. The Property is not within a historic district and has no potential historic resources on site. Conformance with other requirements, including but not limited to other zoning requirements, city codes, and the building code, will be confirmed through the site plan, permit review, or other applicable process.

5. The Application will not adversely affect the natural resources or environment of the City of surrounding areas.

Stormwater Management

Stormwater Management (SWM) for this project will be provided in compliance with the Pre-Application SWM Concept Letter dated August 28, 2023, and included as the "Pre-Application SWM Concept Letter" attachment. The Pre-Application SWM Concept Letter lists project-specific conditions of approval. On-site SWM will be provided by the Applicant through the construction of one Environmental Site Design (ESD) measure planter box bioretention facility. This Pre-Application SWM Concept Approval does not approve the methods for providing SWM beyond establishing the percent ESD provided. The safe conveyance of storm drainage will be analyzed by

the Applicant and provided through the mitigation of storm drain capacity deficiencies if necessary.

Forestry

This Application will meet all requirements of Chapter 10.5 of the City's Forest and Tree Preservation Ordinance in addition to any additional City or State requirements. The City approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) on April 17, 2017 (FTP #2017-00013). An updated NRI/FSD was approved on September 15, 2023.

The City approved a Preliminary Forest Conservation Plan (PFCP) on December 6, 2023. The PFCP shows how the project will comply with the Minimum Tree Cover (MTC) requirement of 10% or 2,570 square feet. Currently, the Applicant has shown how 2,600 square feet of MTC, via three shade trees and one ornamental evergreen tree, can be planted on the site. See Sheets L9.01 and L9.02.

Forest Conservation

Per Sec. 10.5-22.(b), the Applicant is not subject to forest conservation via afforestation because the site is less than 40,000 square feet in area.

Significant Trees

The PFCP currently shows the removal of one significant tree on-site, resulting in a replacement requirement of two tree plantings per Chapter 10.5.

Street Trees

Consistent with the requirements of Section 25.21.21, the Applicant is proposing to plant five street trees within the Rockville Pike public right-of-way.

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 30, 2024.

Sara Taylor-Ferrell

City Clerk/Director of Council Operations

Prior Meetings: The public hearing for this application was held on July 10, 2006, and discussion and instructions to Staff on September 18, 2006. The Planning Commission considered this application on May 24, 2006, and submitted a written recommendation to approve this application.

Next Steps: Subsequent to the Mayor and Council taking action on the resolution, the applicant will submit a Use Permit application for review by the Planning Commission.

PREPARED BY:	The rest time is case if our in the second s
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Rebecca Torma, Planner II	
APPROVED BY:	
R James Waselsk	10-17-06
Jim Wasilak, AICP, Chief of Planning	Date
APPROVED BY:	
and the same of th	**
Arthur D. Chambers, AICP, Director, CPDS	Date
APPROVED BY:	
Scott Ullery, City Manager,	Date
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LIST OF ATTACHMENTS:

- 1. Resolution with Attachments
- 2. Planning Commission Recommendation

Resolution No. _____

RESOLUTION:

To approve, with conditions, Preliminary Development Plan Application No. PDP2006-00011, KAMB,

Ltd., Applicant

WHEREAS, KAMB, Ltd., c/o Miller, Miller and Canby, 200-B Monroe Street, Rockville, Maryland 20850, (the "Applicant"), filed a Preliminary Development Plan Application PDP2006-00011 ("PDP2006-00011" or "Application"), requesting approval of a Preliminary Development Plan for a 25,863 square foot parcel of land located at the southeast corner of the intersection of Edmonston Drive and Rockville Pike (Md 355) for a two story, 12,574 square foot, freestanding, single use retail building with 36 at grade parking spaces in accordance with the Optional Method of Development for the RPC zone, set forth in Sections 25-710.27 of the Zoning and Planning Ordinance; and

WHEREAS, pursuant to Section 25-710,30 of the Zoning and Planning Ordinance, the Planning Commission and the Mayor and Council held a joint worksession on September 19, 2005, to review the proposed Application; and

WHEREAS, pursuant to Section 25-710.30 and 25-124 of the Zoning and Planning Ordinance, the Planning Commission. at its meeting of May 24, 2006, reviewed the subject Application and unanimously recommended the Mayor and Council approve the Application subject to certain conditions as set forth in a memorandum dated June 2, 2006; and

WHEREAS, pursuant to Section 25-710.30 and 25-121, 122 and 123 of the Zoning and Planning 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

Resolution No.

Chambers at Rockville City Hall on July 10, 2006, at 7:00 p.m. or as soon thereafter as it may be heard, at which parties in interest and citizens would have an opportunity to be heard; and

-2-

WHEREAS, on July 10, 2006, the said Application came on for hearing at the time and place indicated in said notice; and

WHEREAS, this matter having been fully considered by the Mayor and Council, the Mayor and Council having found and determined that approval of the Application, subject to the conditions, limitations, additions and modifications set forth herein, would promote the health, safety and general welfare of the citizens of Rockville, and the Mayor and Council having made the further findings set forth herein based upon the Application for Preliminary Development Plan PDP2006-00011, the Staff Report dated May 19, 2006, the Planning Commission Recommendation dated June 2, 2006, the public hearing of July 10, 2006, as well as the remaining matters contained in the record; and

WHEREAS, the Mayor and Council having found and determined, pursuant to Section 25-710.30 of the Zoning and Planning Ordinance, and Article XV referenced therein, that the proposed development and Application, subject to the conditions, limitations, additions and modifications set forth herein,:

- 1. Is in substantial accordance with the Rockville Pike Corridor Neighborhood Plan and with the intent and purpose of Article XIV (Rockville Pike Corridor Area) of Chapter 25 (Zoning and Planning) of the Rockville City Code, and is compatible with adjacent existing and permitted uses and developments.
- 2. Provides for traffic impact mitigation, open space, pedestrian circulation, and environmental amenities. The proposed development provides for open space and



improves the pedestrian circulation on the site. The development will contain approximately 28 percent of open green space, including the streetscape area, as well as new, more decorative sidewalks along the street frontage of the property. The Applicant prepared a Transportation Report in accordance with the CTR methodology. According to the Institute of Transportation Engineers (ITE) Trip Generation, 7th Edition, Furniture Store (land use Code 890), the proposed development is estimated to generate six peak hour trips in the evening during weekdays. Because this trip generation estimate is below the CTR's 30-peak hour trip threshold, no off-site transportation analysis is required. The traffic generated by the project will have minimal impact on the area, and the Applicant will help support efforts to reduce single-occupancy automobile usage through the payment of a traffic demand management ("TDM") fee.

-3-

- 3. Provides for site dimensions, grade, and orientation compatible with the location and height of existing and proposed development in the Rockville Pike Corridor Area. Although the proposed building does not meet the 135 foot "build to line" guideline in the Rockville Pike Corridor Neighborhood Plan, it does qualify for an exception under the City's Building Code which allows for an 85 foot minimum setback from the centerline of the street to the building for lots that are narrower than 300 feet along Rockville Pike and abut the WMATA and railroad tracks. The proposed building meets this requirement. In addition, the proposed building will be located close to Rockville Pike and Edmonston Drive to create visual interest.
- 4. Will not constitute a violation of any provision of the Zoning and Planning Ordinance or other applicable law.

- 5. Will not violate or adversely affect the Rockville Pike Corridor Neighborhood Plan. The proposed development is generally in compliance with the Rockville Pike Corridor Neighborhood Plan and its Urban Design Guidelines.
- a. The Applicant has proposed a streetscape consistent with the Plan, improved pedestrian and vehicular movements, a use that does not burden the public facilities, and a building with an interesting façade.
- b. The proposed development complies with the Access Management Plan contained in the Rockville Pike Corridor Neighborhood Plan. There currently exist two driveway aprons for ingress and egress to the site, one each located along Edmonston Drive and Rockville Pike. The Access Management Plan for the Rockville Pike Corridor recommends a reduction in the number of driveways along Rockville Pike. Consistent with that recommendation, the Applicant proposes to close both existing drive aprons and to provide a single point of access to the site off of Rockville Pike. The service drive easement can be accessed by any of the remaining drive aprons along that portion of Rockville Pike.
- c. The proposed development will meet the screening/landscaping requirements of the Plan.
- d. The traffic generated by the project will have minimal impact on the area. In addition, the Applicant will pay a traffic demand management (TDM) fee to the City. The TDM fee satisfies the Plan's goals of encouraging use of mass transit and other alternative forms of transportation.
- e. The proposed building height of 35 feet is permitted under the base development in the RPC Zone, and the requested maximum 0.50 FAR is substantially

less than what would be permitted (1.0 FAR) under the Optional Method of Development. The proposed development will also provide 28 percent green space (including landscaping and on-site afforestation) surrounding the property and along Rockville Pike and Edmonston Drive so as to create a streetscape in conformance with the Plan.

f. The proposed development is consistent with the intent and purpose of the building envelope recommended in the Plan. The proposed building is oriented along the Rockville Pike and Edmonston Drive frontages as specified in the Plan. The Plan's guidelines state that at least 50 percent of the building façade be placed on the "Build to Line" along Rockville Pike, which is located 135 feet from the centerline of the street. Due to the narrowness of the subject lot, the proposed building is located \$5 feet from the centerline of Rockville Pike rather than 135 recommended in the Plan. However, the building will satisfy the purpose of a "build to" line by providing a constant visual image along Rockville Pike and giving the appearance of a uniform "build to" line, due to the fact that the distance between the railroad tracks and Rockville Pike gets narrower as the site approaches the intersection with Edmonston Drive. In addition, the building height (35 feet) continues to maintain a sense of scale and space to pedestrians and motorists and is compatible with the residential neighborhood to the east of the railroad tracks.

g. The Application provides for upgrading the existing sidewalk along both frontages of the property in accordance with the Plan. The Applicant will provide a six-foot wide sidewalk with a tree lawn buffer, which will accommodate street trees on Edmonston Drive. The sidewalk materials will comply with the Plan.

- h. The Application provides for the construction of a landscaped berm in front of the sidewalk along Rockville Pike. The berm will meet the Plan requirements including the additional landscaping requirements for development under the Optional Method of Development. The Applicant will work with the City Forester to determine the types of trees best for the site.
- 6. Will not affect adversely the health or safety of persons residing or working in the subdivision or neighborhood.
- 7. Will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
- 8. Will not be unsuitable for the type of development, the use contemplated, and available public utilities and services. A single use is preferable for the site because of its small size and narrowness. The proposed site design, quality architecture, and landscaping will improve the appearance of the site. The public utilities and services are suitable to serve the proposed development.
- 9. Will not unreasonably disturb existing topography, in order to minimize storm drain runoff and to conserve the vegetation cover and soil; and

WHEREAS, the Mayor and Council having found and determined that the proposed development and Application, subject to the conditions, limitations, additions and modifications set forth herein, satisfies the minimum requirements of the RPC Optional Method of Development provisions set forth in Section 25-710.27, as more specifically set forth below:

(1) The site must be a minimum of twenty thousand square feet. The subject site contains 25,863 square feet.



- (2) Solar access requirement. The proposed building will not cast a shadow on any residential structures between 10:00 a.m. and 2:00 p.m.
- (3) Ground Floor Retail Requirement. The ground floor retail floor area will exceed the required 75%.
- (4) Comprehensive Transportation Review (CTR). A Transportation Impact Study is not required because the proposed land use does not generate more than thirty vehicle trips during any peak hour.
- (5) Urban Design Review. The Applicant has complied with the Urban Design Review process. The proposed development was evaluated by the Urban Design Review Committee, which found that "the proposal's urban design, architecture, and landscape plan, as presented, is acceptable and clearly meets the spirit of the Rockville Pike Plan."
- (6) Provide a landscaped berm, walkway, splash block treatment and building landscaping along the Rockville Pike frontage in substantial accordance with the Rockville Pike Streetscape guidelines contained in the Plan. The Applicant will comply with this requirement

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that Preliminary Development Plan Application PDP2006-00011, be and the same is hereby approved, in accordance with the terms, conditions and limitations set forth herein.

1. APPROVED PRELIMINARY DEVELOPMENT PLAN.

For the purposes of this Resolution, the Approved Preliminary Development Plan (also referred to as the "Approved PDP") shall mean this Resolution and all Exhibits to

this Resolution listed below and attached hereto, including notations, references, descriptions and writings on the Exhibits.

- Revised Preliminary Development Plan, October 17, 2006 (Exhibit A)
- Conceptual Landscape Plan (Exhibit B)
- Stormwater Management Concept letter dated March 16, 2006 (Exhibit C)
- Site Access Alternatives, dated October, 2006 (Exhibit D)

The subject property shall be developed substantially in accordance with the revised Preliminary Development Plan dated October 17, 2006 and attached hereto and incorporated herein as Exhibit "A." To the extent that there is a conflict between any of the written terms and conditions in the body of this Resolution and any exhibits attached hereto, the written terms and conditions in the body of this Resolution shall control.

2. DEVELOPMENT DENSITY, HEIGHT, AND STANDARDS:

The following development standards shall apply:

- (a) Maximum height: 35 feet and two-stories
- (b) Maximum FAR (floor area ratio): 0.50
- (c) Build-to line location from the centerline of Rockville Pike: 85 feet.
- (d) Minimum Building setback from property along Edmonston

 Drive: 29 feet
- (e) Minimum amount of retail on the first floor: 75 percent.
- 3. LANDSCAPE PLAN. The Applicant must submit a detailed landscape plan for approval by the Planning Commission at the Use Permit stage. The landscape plan



must be generally consistent with the conceptual landscape plan attached hereto as Exhibit "B" (the "Conceptual Landscape Plan").

- 4. PARKING. The Applicant must meet the minimum parking requirements of the Zoning and Planning Ordinance.
- 5. SIDEWALKS: Final location, materials, easements and agreements necessary for the construction and maintenance of sidewalks will be determined at the Use Permit stage.
- 6. OPEN SPACE: The Applicant must provide a minimum of 28 percent open green space on the site. Green space may include, but is not limited to, lawn decorative plantings, sidewalks and walkways, but shall not include parking lots or vehicular surfaces.

7. DESIGN GUIDELINES.

a. The Applicant must provide the streetscape treatment required by the Plan, including a landscaped berm with street trees at the road edge, additional landscaping and a tree bed at the building edge, a six-foot wide sidewalk and a service drive.

8. TRAFFIC MITIGATION.

A Transportation Demand Management (TDM) Agreement must be executed prior to the issuance of any building permit. The agreement will require a contribution of ten (10) cents per square foot of gross floor area of the proposed building per year for a period of ten (10) years. The sum will be incorporated into the TDM capital improvements capital program funds of the City. No occupancy certificate will be issued until the initial TDM contribution is made.

9. FOREST CONSERVATION.

The Applicant must submit, for the approval of the City Forester, a Forest

Conservation Plan (FCP) with planting requirements being met on site. A Forest

Conservation Easement (FCE) must be placed on the entire site to protect required trees.

10. PUBLIC UTILITIES EASEMENTS

Public Utility Easements (PUE) (minimum 10 feet wide) will be required along each street frontage. The easement area must not be within an existing or future dedicated public right-of-way, under a tree lawn, or obstructed by any permanent structure, including surface structures such as stoops, with the exception of sidewalks.

- 11. PUBLICLY ACCESSIBLE ART IN PRIVATE DEVELOPMENT. The Applicant is required to provide art for the development in accordance with the Publicly Accessible Art in Private Development requirements contained in Article IV (sections 4-40 4-51) of Chapter 4 of the Rockville City Code. The required expenditure for the entire project will be calculated in accordance with current rates at the time of building permit application.
- 12. SIGNS. All signs must comply with the requirements of the Zoning Ordinance and other applicable provisions of the Rockville City Code.
- 13. STORMWATER MANAGEMENT. Stormwater Management must comply with the conditions set forth in the conditional approval of the stormwater management concept letter dated March 16, 2006, unless otherwise approved by Department of Public Works.
- 14. SERVICE DRIVE. The Applicant shall provide an 18-foot service drive casement around the building, between the parking spaces and the building, the final

location to be determined at the Usc Permit stage. The Applicant must execute and record a written service drive easement in a form acceptable to the City Attorney prior to issuance of an occupancy permit. The owner of the subject site shall be responsible for the repair and maintenance of the service drive.

- 15. JOHN C. BROWN MEMORIAL. The Applicant must move the VFW memorial from its current location at the northeast corner of Rockville Pike and Edmonston Drive to the public right-of-way adjacent to Applicant's site at a location to be determined by the Planning Commission at the Use Permit stage. If the Applicant fails to receive VFW approval for the relocation, Applicant must provide written documentation of the reasons why the memorial cannot be moved. The memorial must be relocated or the written documentation provided prior to issuance of the occupancy permit.
- 16. SHARED USE PATH. The site shall accommodate a shared-use path for bicyclists and pedestrians adjacent to the Metro tracks through provision of a reservation area to be dedicated to the City at no cost, upon request. This path would run generally parallel to Rockville Pike and connect at the Edmonston Drive intersection with the proposed sidewalk. The specific size, location, parameters, and materials of a reservation area and construction will be determined at the Use Permit stage.
- 17. SITE ACCESS. Access to the site shall be provided from Rockville Pike cither via the existing service drive easement to the south of the property or via the relocation of the existing driveway along the Rockville Pike frontage of the property generally as shown on Exhibit D. The final location and parameters of the site access to be determined at the Use Permit Stage.

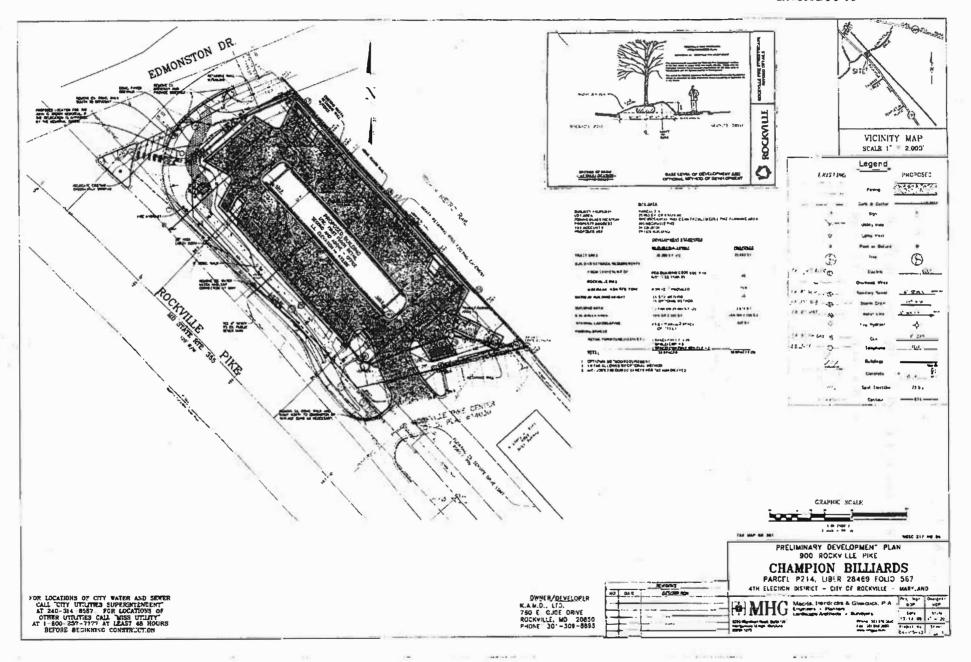
18. The Applicant must comply with all the applicable requirements of Article XIV of Chapter 25 pertaining to the Rockville Pike Corridor Area.

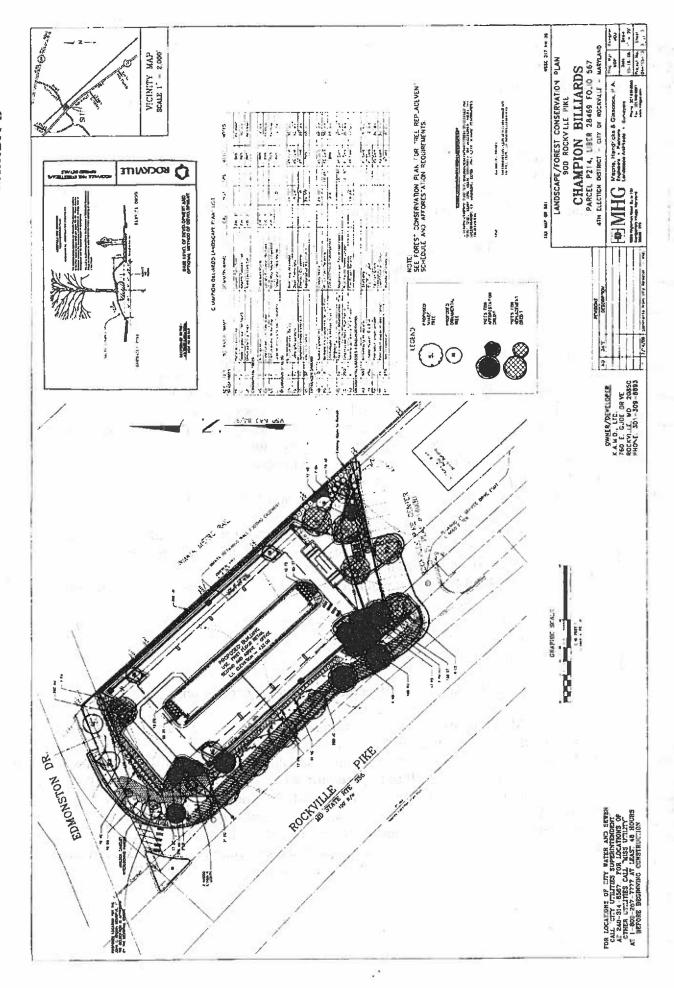
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I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Mayor and Council at its meeting of

Claire F. Funkhouser, CMC, City Clerk

EXHIBIT A







City of Rockville 111 Maryland Avenue Rockville, Maryland 20850-2364 www.rockvillemd.gov

> Public Works 240-314-8500 TTY 240-314-8137 FAX 240-314-8539

Public Works Operations 240-314-8570 FAX 240-314-8589

Votor Vehicle Maintenance 240-314-8485 FAX 240-314-8499

Water Treatment Plant 240-314-8555 FAX 240-314-8564

MAYOR

COUNCIL
Robert E. Dorsey
Susan R. Hoffmann
Phyllia R. Marcuctio
Anne M. Robbins

CITY MANAGER Scott Ullery

CITY CLERK Claire F. Funkhouser

CITY ATTORNEY
Paul T. Glusgow

March 16, 2006

Mr. Kenneth D. Jones Macris, Hendricks & Glascock, P.A. 9220 Wightman Road, Suite 120 Montgomery Village, Maryland 20886-1279

Subject:

Champion Billiards, 900 Rockville Pike

Stormwater Management Concept

SMP2006-00023

Dear Mr. Jones:

Your stormwater management (SWM) concept dated February 27, 2006 for 900 Rockville Pike is conditionally approved. The Champion Billiards site is 0.59-acres and is located in the Rock Creek watershed on the north side of Rockville Pike (MD Route 355) at the intersection of Edmonston Drive. The proposed development includes the construction of a new two-floor office and retail building and surface parking on the 0.59-acre site. This project will require SWM for a total of 0.62 impervious acres (0.49-acres of new or redevelopment plus 0.13 impervious acres within the right-of-way).

The SWM concept proposes the following measures for the 0.49-acre impervious area:

- 1. Water Quality Volume (WQ_V) provided by an underground sand filter. Based on the Concept, the proposed sand filter has a drainage area of 0.59-acres flowing to it, which includes 0.49-acres of impervious area.
- 2. Provision for Recharge is not required on site due to the presence of contaminated soil.
- Overbank Flood Protection (Qp₁₀) and Channel Protection (Cp_v) will be provided by the SWM alternative of a monetary payment of \$24,800 (0.62 impervious acres X \$40,000/impervious acre).

The SWM concept is approved subject to the following conditions:

- 1. Written MDE approval for construction activities on the site must be provided prior to issuance of Department of Public Works (DPW) permits.
- 2. For areas of the right-of-way that cannot be intercepted due to physical constraints a monetary contribution will be required for WQ_v. Exact areas and amount of contribution will be determined upon the detailed engineering submission.
- 3. Submit for review and approval all required detailed engineering plans, computations, and construction estimates for the on-site sand filter.
- 4. Post financial security based on the approved construction estimates in a format acceptable to the City Attorney. Approval is coordinated through DPW Staff.

Mr. Kenneth D Jones Macris, Hendricks & Glascock, P.A. March 16, 2006 Page 2

- 5. Submit a Rockville stormwater management permit (SMP) application, permit fees, and SWM Database Sheet associated with the SWM plans.
- 6. Submit a SWM Easement/Maintenance Agreement for the SWM facility signed by the property owners for review and approval by DPW and the City Attorney's Office. The approved SWM Easement/Maintenance Agreement must be recorded in the Montgomery County Land records prior to DPW permit issuance.
- 7. Provide safe conveyance of storm flows.
- 8. Pay SWM monetary contribution for quantity control prior to issuance of PWK and SMP permits. Final contribution amount shall be based on the impervious acreage shown on final engineering plans. The contribution is estimated at 24,800 based on the SWM Concept Plan.

If you have any questions, please contact Craig Daly, Civil Engineer II, of my staff at (240) 314-8513.

Sincerely,

'Susan T. Straus, P.E.

Chief Engineer-Environment

CD/sms

CC: Mark E. Wessel, Civil/Engineer III

Jim Wasilak, Chief of Planning

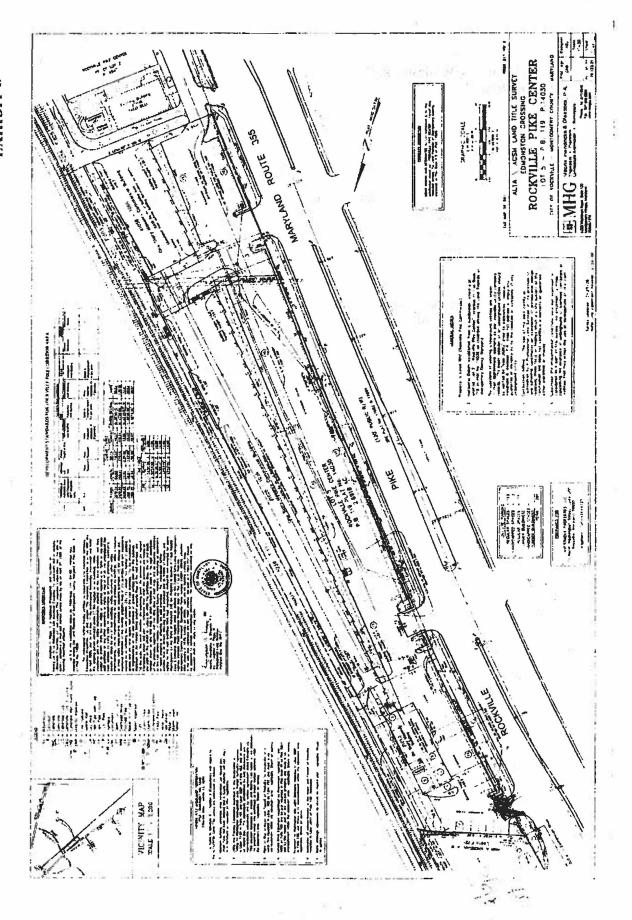
Nate Wall, Environmental Specialist

Ofaig Daly, Civil Engineer II-Environment

Permit Plan (SMP2006-00023)

Day File







MEMORANDUM

June 2, 2006

TO:

Mayor and Council

FROM:

Planning Commission

SUBJECT:

Planning Commission Recommendation on Preliminary Development Plan

Application, 2006-00011, Champion Billiards

The Planning Commission considered the proposed PDP for Champion Billiards at its May 24, 2006 meeting. The proposed development would consist of a 12,574 square foot commercial building on two floors to be used as furniture showroom space for pool tables, barstools and other recreational furniture. There will be 36 at-grade parking spaces, including two (2) accessible spaces associated with the building. The site will have vehicular access from Rockville Pike through an existing service drive easement located on the adjacent site. The Planning staff recommended approval of the application, subject to conditions. The Commission received comments from the public. The following issues were discussed in depth:

Noise from the Railroad tracks

The Planning Commission was concerned that the noise from the trains going past the site would reflect from the building and to the homes across the site. Staff stated that the proposed building's exterior treatment, EIFS, would not be a smooth surface, therefore reflecting it in different directions. In addition, since the first floor is recessed, some of the noise could get trapped in that area. The applicant stated that the EIFS material could absorb some noise instead of reflecting it. They also stated that they would look into providing more architectural detail on the rear of the building, which would result in the deflection of noise from the building and not more directly onto the homes.

Service Drive Easement

The adjacent property owner to the south requested that the applicant use the existing two curb cuts already provided for the site instead of closing them and using only the service drive. Staff had stated earlier that closing both curb cuts was required because they did not meet standards, including safety, of Department of Public Works (DPW) and the State Highway Administration (SHA). Both DPW and SHA have endorsed closing both of the existing curb cuts and accessing



PDP2006-00011 Planning Commission Recommendation June 2, 2006 Page 2

the site from the existing service drive located on the property to the south. The Attorney who represents the adjacent neighbor, Mr. Joe Lynott, stated that they were opposed to the project since the proposed site would have sole access from this portion of the service drive. Staff has stated that the purpose of the service drive along Rockville Pike was for a driver to not have to get on and off Rockville Pike in order to visit each business. Staff considers the use of the service drive as a means for ingress/egress for Champion Billiards to be in accordance with the intent of service drive use and that it meets the Rockville Pike Plan.

Buffering on the rear side of the property

The Planning Commission also discussed the buffering of the building from the adjacent railroad tracks. Staff stated that the applicant is proposing small landscaping on the rear of the property, however, it will be in a WMATA easement that is used for the retaining wall on the site. The Planning Commission recommended and staff has added a condition (Condition #10), for the applicant to evaluate the rear portion to see if they can plant larger landscaping than what is proposed.

Parking Requirements

In addition, the Planning Commission discussed the amount of parking spaces that are proposed for the site. Staff stated that they are proposing 36 spaces, including two accessible spaces. The Commissioners suggested that not all parking was needed since there were only six vehicle trips per peak hour and that the site could share parking. Staff then stated that most people coming to the site would be coming during non-peak hours and six trips was not representative of how many people will be at the building at one time. In addition, the 12,574 square foot building requires 32 spaces in the Zoning Ordinance, which does not allow for reductions in parking. The applicant also stated that they had spoken with the owner of the adjacent property to the south about possibly using their parking when the store is not open.

Therefore, on a motion by Commissioner Holtz, seconded by Commissioner Johnson and with Commissioners Medearis, Ostell, Weiner, and Hill voting in favor, the Planning Commission recommended approval of the proposed Preliminary Development application, subject to the following conditions listed below.

- 1. The applicant shall comply with the "Exhibit A" and "Exhibit B" dated April 6, 2006.
- 2. The following development standards shall apply:
 - a. Maximum Height: 35-feet
 - b. Maximum FAR: 0.49
 - c. Minimum Building setback from the centerline of Rockville Pike: 85 feet
- 3. The finishing materials for the building will be approved at use permit approval stage.



- 4. Submission, for the approval of the City Forester, approval of a Forest Conservation Plan with planting requirements being met on site. Λ Forest Conservation Easement shall be placed on the entire site to protect required trees. Bond must be posted and a maintenance agreement signed.
- 5. The Applicant shall execute a Transportation Demand Management (TDM) agreement with the City of Rockville before the issuance of a building permit. This agreement will require the Applicant to make an annual contribution of ten (10) cents a square foot of gross floor area for a period of ten years (12,574 s.f. * \$0.10 = \$1257.40/year). These funds will be used for various programs designed to reduce the number and impact of vehicle trips within the planning area. The TDM agreement will specify the timing and other requirements of future payments of the TDM fee. This sum will be incorporated to the TDM program funds of the City.
- 6. Final materials, easements and agreements necessary for the construction and maintenance of sidewalks will be determined at Detailed Application stage.
- 7. Stormwater Management must comply with the conditions set forth in the conditional approval of the stormwater management concept dated March 16, 2006.
- 8. The signs must comply with any permits or requirements of the Zoning Ordinance.
- 9. The applicant is required to provide for art for the Champion Billiards development in accordance with the Publicly Accessible Art in Private Development ordinance (adopted February 2004). The required expenditure for the entire project will be calculated in accordance with current rates at the time of building permit application.

Many options for compliance are available to the applicant. Options may include, but are not limited to visual art on-site, donation to the City's Friends of the Arts fund or to an eligible arts organization, build arts infrastructure or space for arts activities or partner with another development within the same planning area. The Art in Private Development manual is available on the City's website (www.rockvillemd.gov) under the City Business section.

10. The applicant will work with staff into providing additional buffering on the "rear" side of the property that is adjacent to the railroad and Metro tracks. Staff will review the additional landscaping at the time of Detailed Application stage.

cc: Planning Commission
Case File