

Resolution No. 14-22

RESOLUTION:

To approve, with conditions, Project Plan Application PJT2022-00014, an Amendment to the Twinbrook Commons 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 April 4, 2005, the Mayor and Council approved Resolution No. 9-05 approving Preliminary Development Plan Application PDP2004-00009 for the 26.49 acre site surrounding the Twinbrook Metro Station for the redevelopment of the property into 1,700 residential units, 325,000 square feet of office use and 220,000 square feet of retail use; 2,409 private parking spaces; 1,151 parking spaces for WMATA commuters; and heights ranging from 55 feet to 170 feet for the residential buildings and up to 170 feet for the office building; and

WHEREAS, under the approved Preliminary Development Plan PDP2004-00009, Block B specifically anticipated 25,000 square feet of non-residential use within a one-story above grade building not to exceed 30 feet in height, 325,000 square feet of office use within a 13-story above grade building not to exceed 170 feet in height, and a 925-space parking garage 6 to 9 levels above grade; and

WHEREAS, on November 17, 2021, Washington Metropolitan Area Transit Authority and Hines (collectively the “Applicant”), filed Project Plan Application PJT2022-00014 (“Project Plan Application” or “Application”), pursuant to Section 25.07.07 of the Zoning Ordinance, to amend Block B of the original Twinbrook Commons Planned Development to allow a portion of a mixed-use building, a relocated bus loop and reclassification of a portion of the site to “Transit Facilities and Open Space” (the “Project”), on a portion of the property located at 1700 Chapman Avenue; and

WHEREAS, the proposed mixed-use building will have a maximum height of 120 feet and feature 437 multi-family residential units, of which 15% are Moderately Priced Dwelling Units, 5,075 square feet of ground floor retail/restaurant space, a residential amenity space, a 437-space parking garage, and a green roof/courtyard on the building’s third level approximately 7,800 square feet in size, and will be partially located within the Twinbrook Planned Development, on a portion of 1700 Chapman Avenue, and partially outside the Twinbrook Planned Development, on 1800 and 1818 Chapman Avenue; and

WHEREAS, the Applicant also requested a parking waiver pursuant to Section 25.16.03.h (Flexible Parking Standards) of the Zoning Ordinance to reduce the total parking requirement for

the proposed mixed-use building from 600 to 437 parking spaces, an approximately 28% parking reduction; 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 during the pre-application process on April 19, 2021, and a post-application area meeting held on December 2, 2021, following submittal of the Application; 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 February 9, 2022 and March 7, 2022, respectively; and

WHEREAS, pursuant to Section 25.07.07 of the Zoning Ordinance, the Planning Commission, at its July 27, 2022 meeting, reviewed the Application, and after considering the information presented and testimony provided, voted to recommend that the Mayor and Council approve the Application and parking waiver subject to certain conditions; and

WHEREAS, pursuant to Sections 25.05.03, 25.07.03, and 25.07.07 of the Zoning Ordinance, the Mayor and Council held a duly noticed public hearing on the Application on September 12, 2022, at which the Mayor and Council heard testimony and received evidence on the Application; and

WHEREAS, on October 3, 2022, the Mayor and Council held a public meeting on the Application, at which the Mayor and Council voted to approve the Application, including the parking waiver, subject to certain conditions.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council approves Project Plan No. PJT2022-00014, to allow a portion of a mixed-use building, a relocated bus loop and reclassification of a portion of the site to "Transit Facilities and Open Space" (the "Project"), on a portion of the property located at 1700 Chapman Avenue, subject to the following conditions:

1. The proposed development will be designed in a manner consistent with the concept design, graphic conceptual representation, and all associated development tables included in the Project Plan exhibits dated June 15, 2022.
2. The proposed public use space shall be made available for the use and enjoyment of the public to the extent possible. Stormwater management facilities within the public use space shall be incorporated in a manner that maintains the spirit and intention of public use spaces.

3. The Twinbrook Commons Planned Development shall be amended at a future date to accommodate further improvements on the tract labeled as “Transit Facilities & Open Space” in Block B.
4. The Applicant may utilize up to 5,075 square-foot ground floor space(s) for either retail or restaurant use (with final total square footage to be determined at the time of Site Plan). Applicant shall comply with all City development and zoning standards associated with the final use, including the granting of any parking reduction in order to reduce the requirement as requested by the Applicant.
5. The Applicant shall dedicate for public use right-of-way along the Property’s entire frontage with Chapman Avenue between Thompson Avenue and Bouic Avenue. The right-of-way to be dedicated shall be in accordance with the Project Plan and exhibits. Any deviation must be approved by the Director of Public Works at the Site Plan phase.
6. Applicant must construct all necessary public improvements, including but not limited to street trees, streetlights, and street light conduit in accordance with 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 as approved by the Director of Public Works. Any deviation must be approved by the Director of Public Works at the Site Plan phase.
7. Applicant shall comply with the conditions of DPW’s Water & Sewer Authorization Approval Letter dated July 18, 2022.
8. Applicant shall comply with the conditions of DPW’s Pre-Application SWM Concept Approval Letter dated July 1, 2022.
9. 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 any phase’s Site Plan, the Applicant must identify all proposed development 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 to comply with WMATA’s Design Criteria may require the Applicant to revise the plan to comply with all City requirements.
10. Applicant shall construct dry utilities underground within Public Utility Easements unless

otherwise permitted to be located elsewhere by the Director of Public Works. At the Site Plan phase, the Applicant shall submit a conceptual dry utility plan to be approved by both the utility companies and the Department of Public Works.

11. In order to satisfy the requirements of the Comprehensive Transportation Review (CTR), the Applicant shall widen the east leg at the intersection of Thompson Avenue and Chapman Avenue to include two outbound lanes and one inbound lane. In addition, this intersection shall be improved to be signed as an all-way stop, with the provision of crosswalks and ramps in all directions.
12. To ensure the future provision of needed bus bays outside public rights-of-way as part of any future development/redevelopment of the Transit Plaza/Open Space tract, and as depicted on the project plan's proposed circulation plan, the site plan for this project shall show one new bus bay on the north side of the portion of the bus loop that is adjacent to existing tracks, and extends from Thompson north to the southern limits of existing loop. Prior to issuance of any occupancy permit, the Applicant shall construct this portion of the bus loop such that it will have at least 26' of paved surface area and an ADA compliant sidewalk in accordance with WMATA requirements along the entire east side. The provision of at least two more bus bays shown on the proposed circulation plan, or any other alternative configuration deemed acceptable by the City, shall be provided by WMATA and/or others as part of any future relocation, and/or redevelopment of existing Kiss and Ride lot along the proposed northern segment extending to Chapman.
13. At the time of site plan, the Applicant shall demonstrate how the public parking for the retail component, and guest parking for the residential component, will be accommodated and administered.
14. The fire hydrants shown on the site plan exceed the 500' spacing requirement. The maximum distance between fire hydrants shall not exceed 500 feet (152 m.) NFPA 1, 18.5.3(2). Applicant shall address during the Level II site plan review.
15. Applicant shall show the location of the fire command center on the address side of the structure.
16. At the time of site plan submission, the Applicant must submit a final forest conservation plan (FFCP) which meets the minimum requirements approved with the preliminary forest conservation plan (PFCP) for the proposed limits of the site plan.
17. A PFCP is used to determine how a project will comply with forest conservation, significant

tree replacement, and minimum tree cover (primarily). It is generally conceptual in nature and lacks built elements and detail required on a FFCP. The Applicant will be required to comply with all City Ordinances and requirements relating to the FFCP prior to final approval.

18. At the time of site plan submission, the Applicant must submit a landscape plan for that subject property consistent with all City ordinances.
19. The Applicant must address all comments provided on the most recent PFCP plans by the forestry reviewer and attain an approved PFCP prior to project plan approval.
20. The Applicant must adhere to and meet all requirements of the PFCP approval letter in preparation for submittal and approval of their FFCP.
21. The Applicant or authorized representative must coordinate with City staff and the adjacent property owner (if necessary) to determine if the parcel is under an existing forest conservation easement (FCE) associated with FTP2008-00016. If it is, that FCE must be released to allow for recordation of a new FCE corresponding to the Final Forest Conservation Plan.
22. The Applicant must meet the requirements of Section 25.21.21 of the Subdivision Regulations regarding the installation of street trees in the public right-of-way, or seek and gain approval of a waiver to Section 25.21.21 at the time of the Site Plan approval by the Planning Commission.
23. The Applicant shall comply with the City's Publicly Accessible Art in Private Development Ordinance. Applicant must provide a concept 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 June 15, 2022;
2. Exhibit B: Circulation Plan;
3. Exhibit C: Twinbrook Commons Planned Development, Resolution 9-05;
4. Exhibit D: Preliminary Forest Conservation Plan Approval Letter;
5. Exhibit E: PFCP Fee-in-lieu Justification;
6. Exhibit F: Water and Sewer Authorization Letter; and

7. Exhibit G: Stormwater Management Concept Letter.

BE IT FURTHER RESOLVED THAT, having considered the recommendations and findings of its Staff as presented at the public meetings on this Application and as set forth in the Staff Reports on the Application presented to the Mayor and Council at its September 12, 2022 and October 3, 2022 meetings, which the Mayor and Council hereby adopt and incorporate 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 does not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed project.*

The development proposed by the Application is attractive and compatible with the surrounding developments in the area. The Project is designed as a walkable community with ease of access to employment centers, food and shopping establishments, and public transportation. The Project complies with all applicable ordinances that ensure health and safety are met as described in this report and does not adversely affect the health or safety of persons residing or working nearby.

2. *The Application is not in conflict with the Plan;*

Comprehensive Plan

The City of Rockville's Comprehensive Plan, Rockville 2040 ("the 2040 Plan") <https://www.rockvillemd.gov/200/Comprehensive-Plans>, includes goals, policies, and actions that support development of this nature near transit assets and specifically near the Twinbrook Metro Station, including the following:

- The Plan's Goal 3 (p. 27) of the Land Use Element is to "Integrate land use and transportation planning to maximize the value of Rockville's transportation assets."
- Policy 10, which is within Goal 3, is to "Enhance Rockville Pike's market position as a premier shopping area, supported by residential uses, and plan for additional growth near the Twinbrook Metro Station."
- Action 10.1, which implements policy 10, is "Continue to develop the Twinbrook Metro Station area and south Rockville Pike as a major activity and growth center."

- The Land Use designation for these properties reflects these Plan provisions, and is OCRM (Office, Commercial, and Residential mix), as shown on p. 33 of the Plan.

The proposal is not in conflict with the Comprehensive Plan and will promote the goals of the Comprehensive Plan in the following manner:

1. Continues to develop the Twinbrook Metro Station area and south Rockville Pike as a major activity and growth center;
2. Provides a mix of multi-family and commercial development in Planning Area 9 (Rockville Pike) consistent with the Comprehensive Plan's land use designation; and
3. Increasing the walkability of this transit-oriented neighborhood by improving pedestrian facilities and activating the streetscape.

The Comprehensive Plan also provides general recommendations regarding equity, which the Project meets as described below.

ROCKVILLE 2040	
Transportation Element	
Action 4.6. Expand ADA-compliant seating areas and other amenities, such as benches and crosswalk aprons, at appropriate commercial and residential locations throughout the city to facilitate walking and rolling as a safe and comfortable activity for people of all abilities and age groups.	The Applicant proposes numerous pedestrian amenities around the proposed building. Approximately 15% of public use and open space will be created in accordance with City requirements and feature ADA-compliant walkways, new sidewalk, strategically designed seating areas, trash receptacles and standard benches. Improvements to the Thompson Avenue and Chapman Avenue intersection are also proposed to increase vehicular and pedestrian mobility. The proposed area enhancements should provide for safe and comfortable activity for all.
Housing Element	
Policy 2. Promote diversity in the supply of housing to meet market	Approximately 437 multi-family units are proposed. The size of the units range from studio to three

demand and the wide range of community needs and household incomes.	bedrooms, the majority being one-bedroom units. Approximately 66 units will be moderately priced, the remaining are intended to be market rate units. Since the previous use was nonresidential, there is no potential for displacement.
Policy 10. Maintain a Moderately Priced Dwelling Unit program and contribute to add MPDUs to the housing stock as residential development occurs.	The Applicant intends to comply with the City's 15% Moderately Priced Dwelling Unit program and requirement. This development proposal will add approximately 66 additional units the City's inventory of MPDUs.

The Application also falls within the 2016 Rockville Pike Neighborhood Plan ("2016 Pike Plan"), which can be found at <https://www.rockvillemd.gov/201/Neighborhood-Plans>. The Pike Plan acknowledges the Planned Development for the WMATA-owned property and supports the height proposed by the Application where, on p. 26, it states that "Taller buildings are acceptable in the Core, close to the Twinbrook Metro Station where strong potential exists for creating the type, intensity and mix of uses that serve and promote transit."

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 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.

Schools

The property is served by the Walter Johnson Cluster Area (Farmland Elementary, Tilden Middle School, and Walter Johnson High School), and is located within an Infill School Impact Area. Using the corresponding Montgomery County Student Generation Rates, FY2022-2023, the proposed 437 multi-family unit development will generate the following number of students: 15 students at the elementary school grade level, 7 students at the middle school level, and 7 students at the high school level.

The current school standards of the APFS utilize a seat deficit and capacity percentage calculation to determine adequacy. The maximum permitted capacity level is 120% and no more than a 110-seat capacity deficit in elementary schools and 180-seat capacity deficit in middle schools. The proposed development meets these standards for the elementary and middle school levels as shown in the table provided in the City staff reports on the Application. Although the table presents a percent utilization that is above the 120 threshold at the high school level, capacity is slated to be available due to the new Charles W. Woodward High School being opened in 2026-2027.

Water and Sewer

In a letter dated July 18, 2022 (see “Water and Sewer Authorization Letter” Attachment), the proposed development received Water and Sewer Authorization approval from the Department of Public Works (DPW) for connection to the City’s water and sanitary sewer systems located in the Chapman Avenue right-of-way. The sanitary sewer connection is predicated on the results and approval of a Sewer Study conducted to determine the deficiencies present in the sanitary sewer outfall. The Applicant will construct off-site improvements to mitigate the capacity deficiencies created as a result of the increased demand generated by the development.

Traffic and Transportation

The approved project plan application (PDP2004-00009) for the entire 26.49-acre site surrounding the Twinbrook Metro Station, which include the area (Block B) proposed for amendment by the Application, allows for a multiphase and mixed of use development of approximately 1,700 residential units, 325,000 square feet of office use and 220,000 square feet of retail use; 2,409 private parking spaces; 1,151 parking spaces for WMATA commuters. The original PDP approval proposed redevelopment of this block to include 25,000 square feet of non-residential use within a one-story above grade building not to exceed 30 feet in height, 325,000 square feet of office use within a 13-story above grade building not to exceed 170 feet in height, and a 925-space parking garage 6 to 9 levels above grade.

Although the Application is allocating a different mix of approved uses allowed by the approved PDP2004-0009, including the proposed relocation of the planned bus loop and open / park space for the area on the westside of WMATA tracks, the Application does not propose any changes to the previously

approved PDP development levels or uses, which means no net change in the number of vehicle trips to be generated. Accordingly, the Application will have no impact on the adequacy of the existing and planned transportation facilities serving the proposed PDP and project plan development.

4. ***The Application does not constitute a violation of any provision of the Zoning Ordinance or other applicable law; or***

The Application is consistent with the requirements of the Zoning Ordinance and other applicable law. 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 Applicant is providing enough long-term bicycle parking to meet the code requirement and is providing 22 short-term bicycle parking spaces over the code requirement.

The proposed land uses are compatible with the uses identified in the land use table in the Zoning Ordinance for the MXTD Zone. They are also consistent with the Comprehensive Plan as detailed above.

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. A condition of approval has been added to this Project Plan application to ensure that this area is designed and built appropriately and in a manner that is consistent with the City's plans for the area. The Proposal also complies with other MXTD Zone development standards to include height requirements and setbacks.

The requirements under Sections 25.13.06 (Additional design guidelines) and 25.13.07.a (Special design regulations for individual mixed-use zones – MXTD) will ensure appropriate design. Compliance with these sections will be confirmed during site plan review.

The Applicant will require a reduction to the parking requirements in accordance with Section 25.16.03.h and meets five out of the six criteria to be authorized for a parking reduction as described in the Zoning Ordinance. The reduction is supported by staff and the Planning Commission.

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

Stormwater Management

Stormwater Management (SWM) for this project will be provided in compliance with the Pre-Application SWM Concept Approval Letter dated July 1, 2022 (see “Stormwater Concept Management Letter” Attachment). The Pre-Application SWM Concept Approval Letter lists project-specific conditions of approval. On-site SWM is being provided by the Applicant through the construction of a combination of Environmental Site Design (ESD) measures including on-site and roadside planter box micro-bioretenment facilities and green roof.

The existing onsite detention pond will be replaced with an underground structural measure. The Applicant has agreed to the condition that the proposed underground structural measure will provide the same treatment as previously provided by the existing pond. The underground structure will also be constructed to support the imposed loads from fire apparatus vehicles and buses. The Applicant must also obtain concurrence from WMATA for the removal of the existing pond and the replaced treatment prior to the approval of the Development Stormwater Management Concept plans. 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

Forestry requirements will be met consistent with the regulations of the Forest and Tree Preservation Ordinance (FTPO) and all other applicable requirements as depicted on the approved preliminary forest conservation plan (PFCP, see Site Plan Documents) and approval letter dated July 18, 2022 (see PFCP Approval Letter). The project and final forest conservation plan (FFCP) must comply with all conditions listed below and within the PFCP approval letter.

The proposed development is required to plant a minimum of eight (8) street trees in the public right-of-way on Chapman Avenue, consistent with the Section 25.21.21 of the subdivision regulations. The Applicant has indicated that this requirement will be met, as outlined in the PFCP approval letter dated July 18, 2022. A minimum five (5) street trees are required in the public right-of-way on Thompson Avenue. The Applicant is proposing to plant four (4) street trees and request a waiver to Section 25.21.21 of the subdivision regulations at site plan, pending approval by the Planning Commission for the fifth (5th) required street tree.

Historic Resources

The property is not within a historic district and has no potential historic resources on site as determined by the Historic District Commission.

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
October 3, 2022.


Sara Taylor-Ferrell
City Clerk/Director of Council Operations