

Resolution No. 17-21

RESOLUTION: To approve, with conditions, Project Plan Application PJT2021-00013

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 May 3, 2021, the Applicant, EYA Development, LLC (“EYA”), filed Project Plan Application PJT2021-00013 (“Project Plan Application” or “Application”), pursuant to Section 25.07.07 of the Zoning Ordinance, proposing up to 370 dwelling units, including 252 townhouses with front and rear-loaded garages and 118 two-over-two stacked condominium multi-family units, of which 58 units are moderately priced dwelling units (“MPDUs”) (the “Project”), on approximately 20.35 acres of property located at 16160/16200 Frederick Road and Parcel P170 (the “Property”); and

WHEREAS, the Application included a request for flexible parking standards pursuant to Zoning Ordinance Section 25.16.03.h to reduce the parking requirement for the proposed community center on the Property from ten (10) on-site spaces to zero (0) on-site spaces; and

WHEREAS, pursuant to Section 25.07.05 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 November 24, 2020, and a post-application area meeting held on June 3, 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 June 23, 2021 and July 19, 2021, respectively; and

WHEREAS, pursuant to Section 25.07.07 of the Zoning Ordinance, the Planning Commission, at its September 22, 2021 meeting, reviewed the Application, and after considering the information presented and testimony provided, voted to recommend that the Mayor and Council approve the Application with two reservations: the density of the development and granting of the requested waivers to Article 21 of City Code Chapter 25, regarding tree planting; 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 October 18, 2021, at which the Mayor and Council heard testimony and received evidence on the

Application; and

WHEREAS, on November 8, 2021, the Mayor and Council held a public meeting on the Application, at which the Mayor and Council voted to approve the Application subject to certain conditions.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council approves Project Plan No. PJT2021-00013, including the requested flexible parking standards, for 370 total dwelling units, including 252 townhouses with front and rear-loaded garages and 118 two-over-two stacked condominium multi-family units, of which 58 units shall be moderately priced dwelling units (“MPDUs”) pursuant to Chapter 13.5 of the Rockville City Code, on the Property, subject to the following conditions:

1. 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.
2. The buildings shall meet all applicable handicap-accessibility requirements of the State of Maryland and the Americans with Disabilities Act of the Federal Government, as well as all construction code requirements of the City of Rockville.
3. The Project Plan shall have a validity period of 12 years.
4. The applicant must construct all proposed roads, private alleys and all public improvements within the Property and Frederick Road and Pleasant Drive rights-of-way per City standards and specifications, except as otherwise approved or waived. Minor deviation from the approved cross-sections requires approval from the Director of Public Works at the Site Plan phase. The right-of-way for all public roads within the Property must be dedicated to public use and be reflected on a Final Record Plat, to be reviewed by staff and approved by the Planning Commission and other agencies having jurisdiction of the right-of-way.
5. The street cross-sections for Streets A, B, C D, E and F are contingent upon the Mayor and Council’s authorization of Road Code Waivers from Chapter 21 of the Rockville City Code. Should the Mayor and Council approve the Road Code Waivers, all street sections shall comply with the Project Plan and exhibits. Any deviation from the sections must be approved by the Director of Public Works at the Site Plan phase.

6. The applicant shall dedicate to the City for public use any property along the property frontage that lies within a minimum 75-feet from the existing roadway center located beyond the existing SHA Frederick Road right-of-way. The right-of-way to be dedicated shall be in accordance with the Project Plan and exhibits, including those coordinated with MCDOT to accommodate the future MD 355 Bus Rapid Transit. Any deviation must be approved by the Director of Public Works at the Site Plan phase.
7. The applicant shall grant to the City all Public Improvement Easements (PIE) as shown on the Project Plan and exhibits. Any deviation from the location of the PIE must be approved by the Director of Public Works at the Site Plan phase.
8. Applicant shall construct all necessary public improvements, including but not limited to street trees, streetlights, street light conduit, and traffic signals in accordance with all applicable City standards, or the standards of the jurisdiction of the corresponding right-of-way. Public improvements shall be located within the right-of-way or within a Public Improvements Easement as approved by the Director of Public Works.
9. The applicant must grant a Public Access Easement (PAE) across the entire width of the privately maintained alleys and grant a 1' Public Improvement Easement (PIE) adjacent to public rights-of-way for maintenance of public sidewalks as shown on the Project Plan Road Cross Sections. The PAE and PIE must be reviewed and approved by DPW and in a format acceptable to the City Attorney's Office and be recorded in the Montgomery County Land Records, prior to DPW issuance of any Public Works (PWK) permit. Applicant shall execute a Revocable License and Maintenance Agreement for the shared maintenance of Stormwater Management Facilities located within the public right-of-way. The agreement must be executed by the property owner and other parties of interest for review and approval by DPW and the City Attorney's Office. The Revocable License and Maintenance Agreement must be authorized by the Mayor and Council and must be recorded in the Montgomery County Land Records prior to DPW issuance of any Stormwater Management (SMP) permit.
10. Applicant shall comply with all conditions of WSSC's Hydraulic Planning Analysis (HPA) and Letter of Findings dated August 11, 2021, as may be amended.
11. Applicant shall comply with the conditions of DPW's Pre-Application SWM Concept Approval Letter dated June 17, 2021, and Annexation SWM Concept Approval Letter dated

- August 31, 2021, as may be amended.
12. The 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.
  13. The applicant must obtain all necessary approvals and/or permits for all driveway access points and utility connections proposed on the Project Plan from all agencies with jurisdiction, including MDSHA and the City of Rockville.
  14. 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 by DPW in a format acceptable to the City Attorney's Office 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, Applicant must submit plans for work within the easement to Grantee for review. If Grantee's permission for such work is required, the Applicant must secure 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.
  15. Submission for review and approval by the City Attorney's office 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.
  16. The applicant shall relocate and underground the existing electrical connection to the Farmstead from Route 355/Frederick Road as shown on the Project Plan.
  17. The applicant shall coordinate with SHA as necessary and construct the Farmstead entrance from Route 355/Frederick Road to the existing and/or proposed access road serving the Farmstead as shown on the Project Plan.
  18. Applicant shall comply with the waiver conditions of DPW's Roadway Design Layout Letter dated September 3, 2021, as may be amended.

19. A traffic signal at the entrance to the development on MD 355 will be required, with corresponding interconnections per MD SHA and/or Montgomery County DOT requirements and standards to the adjacent signals at the intersections of Ridgemont/355 and Shady Grove/355. The applicant shall obtain design approval for the signal and all related improvements per MD SHA and/or MCDOT and fully bond the entire cost of the traffic signal and related improvements with the City prior to issuance of any building permit on the subject site. The actual construction of the signal and interconnections and any other related improvements required by MD SHA (the owner of the traffic signal) and MCDOT (the operator of the signal) must be completed prior to buildout of the project, or earlier as deemed warranted and permitted by MD SHA and/or MCDOT. In the event MDSHA or MCDOT does not approve the installation of the required traffic signal and related improvements prior to project buildout, the applicant's bonding of the total cost of signal installation and all related improvements with the City shall be deemed full satisfaction of this condition by the City.
20. Prior to the issuance of the 50th occupancy permit or at a time stipulated by WSSC, whichever is sooner, the applicant shall construct the path through the WSSC easement area and on the northern section of the site as shown on the submitted plan with direct connections to the proposed frontage improvements along MD 355. Construction of the path shall be made in accordance with any requirements from WSSC, and per the City requirements and standards.
21. Prior to the issuance of any occupancy permit, the applicant shall replace the existing sidewalk along the property frontage of MD 355 with a buffered 10-foot-wide cycle track, an 8-foot-wide landscape panel, and a 6-foot-wide sidewalk within the dedicated area as shown on the site plan and as recommended by the 2017 approved Bikeway Master Plan. The design is subject to minor modifications as needed for accommodating the existing above-ground utilities to remain.
22. Prior to the issuance of the 50th occupancy permit, the applicant shall construct curb bump outs, ADA accessible sidewalk ramps, and crosswalks on all approaches to the intersection of proposed Street F with Pleasant Drive extended, as shown on the project plan. The design is subject to minor modifications, as necessary, during the site plan phase.
23. Prior to the issuance of any occupancy permit, the applicant shall construct the required intersection improvements as shown on the project plan that improve and enhance safe

pedestrian and bicycle accommodation at the intersection of Piccard and Pleasant Drive. The recommended improvements include adjustments to the curb radii, ADA compliant curb ramps, crosswalks and signage. The design is subject to minor modifications, as necessary, during the site plan phase.

24. Prior to the issuance of the 50th occupancy permit, the applicant shall construct and extend a sidewalk connection with sufficient bike accommodation, as deemed necessary by the City, from approximately midpoint of proposed street D to the existing Park access Road and its parking lot, as shown on the project plan.
25. All internal and external traffic control devices (i.e., signs, markings and devices placed on, over or adjacent to a roadway or walkway) to regulate, warn or guide pedestrians and/or vehicular traffic, shall comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD).
26. An on-site signing and pavement marking plan must be approved by the Chief of the Traffic and Transportation Division at the time of Site Plan Signature Set approval and prior to any building permits being issued.
27. Prior to the issuance of the occupancy permit, the applicant shall pay the County's Development Impact Tax, as applicable, subject to the credits/offsets allowed by Montgomery County. The applicant shall submit a receipt of payment to the Inspection Services Division of the Department of Planning and Development Services, and the Traffic and Transportation Division of the Department of Public Works.
28. Prior to issuance of any occupancy permit, the applicant shall install light-emitting diode (LED) streetlight fixtures within the proposed development. Streetlight materials and locations of lights shall be approved prior to the issuance of any Public Works permits.
29. The Applicant shall pay the City's Transportation Improvement Fee as provided in the Comprehensive Transportation Review (CTR). The fee of \$900 per residential unit must be paid prior to the issuance of any occupancy permit.
30. Prior to issuance of a PWK permit, one of the two following items must be complete:
  - (a) Adoption by Mayor & Council of the applicant's road code waiver in accordance with the Rockville City Code, or

(b) Submission and approval of a new site plan that would include the required minimum ROW and pavement width for all proposed roadways within the subject site, in accordance with approved DPW standards.

31. Prior to the issuance of any occupancy permit for the proposed community building, the applicant shall install the required short-term and long-term bike parking as required by the zoning ordinance, and as shown on the project plan.

32. A Final Forest Conservation Plan (FCP) must be reviewed and approved by the City with the signature set site plan submission and prior to release of any Building, Forestry or DPW permits associated with site plan submission. The Final FCP shall be generally consistent with the Preliminary Forest Conservation Plan (PFCP) and approval letter, as may be amended by the City Forester, and provide tree plantings consistent with outlined requirements. Final FCP and the site plan must comply with the Forest and Tree Preservation Ordinance (FTPO) and Zoning Ordinance. In addition to compliance with applicable codes, the following specific directives must be followed unless modified by the City Forester.

33. Ensure tree plantings meet minimum spacing requirements, which include:

- a) Shade trees spaced 20 feet apart, and large or small evergreens and ornamental trees spaced 15 feet apart. Shade trees 15 feet from ornamental trees. Spacing between evergreens and shade trees is either 15 or 20 feet, as determined by the City because distance is dependent on the growth habit of the evergreen, which is species/cultivar-specific.
- b) 10 feet from wet and dry utilities, except when these are under streets.
- c) 15 feet from streetlights and driveways (DPW to provide requirements for sight distances and stop signs).
- d) 10 feet from inlets.
- e) Shade trees and large evergreens shall be spaced a minimum of 7 feet, and ornamental trees and small evergreens to be spaced a minimum of 5 feet from micro bioretention underdrain pipes (6" diameter and smaller).
- f) Street trees can be planted over stormwater conveyance pipes when pipes have a minimum of 4 feet of cover and are immediately behind the curb.

- g) Trees planted to meet FTPO or other forestry requirements on the site may not be located within existing or proposed easements (excluding forest conservation easements).
34. The Applicant must submit a Final Forest Conservation Plan (FFCP) which meets the minimum requirements approved with the PFCP plan for the proposed limits of the site plan.
  35. Use current City tree tables.
  36. Use current City FTPO notes and details.
  37. Ensure the plan does not contain overwrites and is prepared per the general structure requirements for Final FCPs.
  38. Soil augmentation per the city's Forest and Tree Preservation Ordinance Notes will be required prior to installation of new trees within existing green space or where pavement was previously located. The current ordinance notes at the time of Final FCP submission shall be included on the Final FCP.
  39. Graphically delineate the areas where soil removal and replacement is required prior to installation of all new trees.
  40. At the time of site plan submission, the Applicant must submit a landscape plan for that subject property consistent with all City ordinances.
  41. The applicant must address all comments provided on the most recent PFCP submission plans by the forestry reviewer.
  42. The applicant is required to comply with the approved PFCP letter, as may be amended.
  43. Applicant must secure the tree planting waivers pursuant to Sec. 25.21.07 of the Zoning Ordinance, as approved by the Planning Commission.
  44. Provide details of proposed Fire Lanes for this project.
  45. Provide fire flow calculations when Building Plans are submitted for review.
  46. Submit a Fire Protection Site Plan with the following information:
    - a. Provide 2 Access points into the project, with perimeter access of 450 feet walk around exterior of each sprinklered building, road width dimensions (FD Access Roads must be a minimum 20 feet).
    - b. Establish Fire Lanes for all structures.
    - c. Provide a Turning Template for Fire Apparatus, with interior radius of 25 feet and exterior radius of 50 feet.

- d. Show all new/existing fire hydrants facing towards the street located with fire flow water calculations for project.
  - e. Overhead vertical obstructions must be no lower than 16 feet in height.
  - f. Each leg of "T" turnaround must be 60 feet.
47. The applicant is required to provide a minimum of 15% of the residential units, plus an additional two (2) residential units, as Moderately Price dwelling units (MPDUs).
48. Residential units constructed on the site must comply with the standards and requirements of the Rockville Moderately Priced Dwelling Unit Ordinance, Chapter 13.5 of the Rockville City Code.
49. The minimum square footage for an MPDU townhouse with 3 bedrooms and 2 baths is 1200 square ft per the City's MPDU regulations.
50. The MPDU units must not be distinguishable from the market rate units.
51. The MPDUs should not be overly concentrated in any area of the project.
52. The Declaration of Covenants for sale properties must be recorded before the issuance of any 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: the project plan dated September 14, 2021;
- 2. Exhibit B: Road Cross-sections;
- 3. Exhibit C: Annexation Agreement
- 4. Exhibit D: Approved NRI/FSD; and
- 5. Exhibit E: Approved PFCP and letter; and

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 October 18, 2021 and November 8, 2021 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 Application includes a mix of residential uses that will enhance the community with a variety of housing options, including needed townhome and two-over-two stacked condominium housing and an MPDU unit mix that will include 40 townhouses and 18 condominiums in two-over-two townhomes. The Application is designed to create a walkable community to reduce the impact of traffic within the development. As described by City staff in its reports to the Mayor and Council, the Application complies with all applicable ordinances that ensure health and safety are met.

The Application exceeds the requirements for open area and public use space and provides 42.4% of net lot area as Open Area (376,076 SF) and 13.8% of net lot area as Public Use Space (122,625 SF). Section 25.13.05(b) (l) of the Zoning Ordinance requires 15% Open Area and 10% Public Use Space in the zone. The Open Area and Public Use Space improves the public health of residents and the community alike, with new children’s play areas, pedestrian pathway connections to Frederick Road and potentially to the Farmstead and proposed parking lot, bicycle and pedestrian amenities along Frederick Road, and a 75-foot-wide easement area designed as a Public Use Space and includes a natural trail in a meadow setting with plantings and lawn areas.

The Application also includes a road connection from the Property to Pleasant Drive as a public street, which will improve access and safety conditions for those living within the proposed residential neighborhood. As described by City staff, this road connection will not have a detrimental impact on the City’s existing and planned transportation network based on the City’s Comprehensive Transportation Review guidelines.

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

The Application is consistent with and advances many of the goals of the 2040 Plan by replacing an underutilized auto dealership, surface parking lot and undeveloped land with a vibrant residential community, including townhomes, two-over-twos and 58 MDPUs to meet the wide range of community needs, especially "missing middle" and affordable units, in walkable nodes near the Shady Grove Metro Station. The Application is supported by public use space, open space and

pedestrian pathways that connect to and support the Farmstead, Frederick Road and Mattie J. T. Stepanek Park. New residents will also support nearby existing retail uses, such as the King Farm Village Center. The Application incorporates high-quality design in all aspects of the proposed development, including public open spaces and landscaping and thoughtful architecture.

**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 proposal is compliant with all requirements of the Adequate Public Facilities Ordinance (APFO) in that the applicant has adequate means to obtain sewer and water service to the site and meets the transportation and school capacity requirements of the Adequate Public Facilities Standards (APFS).

Based on City staff's analysis under the City's Comprehensive Transportation Review guidelines, the proposed development will not have a detrimental impact on the existing and planned transportation network, provided certain improvements as noted in the approval conditions are implemented. No additional mitigation beyond those items listed as conditions of approval are necessary to comply with the Comprehensive Transportation Review (CTR). The Application proposes safe and adequate vehicular access points and an interior sidewalk system that encourages pedestrian activity. The Application also includes a 10-foot-wide buffered cycle track, as recommended by the City's 2017 Bikeway Master Plan, and a new buffered 6-foot-wide sidewalk along the Property's Frederick Road frontage, as well as a proposed recreational trail along the Property's western boundary.

The Property is located within the Washington Suburban Sanitary Commission's (WSSC) service area for water and sanitary sewer. The Applicant will construct a network of water and sanitary sewer infrastructure to serve the development that complies with all WSSC requirements. The applicant has received Hydraulic Planning Analysis (HPA) approval from WSSC in a Letter of Findings dated August 11, 2021, which details the sewer and water service required to serve the proposed development.

Stormwater Management (SWM) for this Application will be provided in compliance with the Pre-Application SWM Concept Approval Letter dated June 17, 2021 and the Annexation SWM Concept Approval Letter dated August 31, 2021. The Pre-Application SWM Concept Approval

Letter lists project specific conditions of approval. The applicant intends to meet the redevelopment requirements of on-site stormwater management for both Environmental Site Design (ESD) and Channel Protection Volume (CPV) through a variety of measures. ESD facilities are proposed to include permeable pavement in alleyways, roadside micro-bioretenion structures, and larger planter box micro-bioretenion structures. CPV measures are expected to include underground vaults for storage and filtration systems. A monetary contribution is being provided by the applicant in lieu of providing on-site quantity management and the remaining onsite water quality management

According to the Montgomery County Student Generation Rates for Housing Types in Infill Areas 2022-2023 (effective July 1, 2021), the Application is projected to generate approximately 47 new elementary students, approximately 25 new middle school students, and approximately 32 new high school students, or approximately 103 new students for grades K-12. Students generated by the proposed development would attend Gaithersburg High School, Forest Oak Middle School, and Rosemont Elementary School. According to the adopted FY22 Education Facilities Master Plan and Amendments to the FY 2021-2026 Capital Improvements Program, Gaithersburg High School, Forest Oak Middle School, and Rosemont Elementary School are projected to have adequate school capacity based on School Projections for September 2026 to accommodate students generated by the proposed development.

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

The Application does not constitute a violation of any provision of the Zoning Ordinance or other applicable law. As described by City staff, the Application meets or exceeds the development standards for the MXCD zone. Further, parking, lighting, open space, public use space, and landscaping for the Application are all in accord with the City's requirements, as illustrated by the attached plans, subject to the Mayor and Council's approval of flexible parking standards as described below and the Planning Commission's approval of certain Subdivision Regulation Waivers at time of site plan review. Pursuant to Section 25.13.05 of the Zoning Ordinance, the Application meets all requirements for Development Standards for projects located in the Mixed-Use Corridor District (MXCD), by comporting to the allowable maximum heights, required building setbacks, open space and public use space requirements. The Application was also specifically designed to comply with the design guidelines applicable to the MXCD zone and is

within the development standards for heights and setbacks. Consistent with Zoning Ordinance Section 25.13.05.b (2)(b), MXCD Zone, the Mayor and Council approves a height along the Property's MD-355 frontage of 55 feet, which is consistent with the intent of the Zoning Ordinance that facades may be permitted up to seventy-five (75) feet at the street in the MXCD Zone. In addition to the approved height, the façade is modulated with different varying building volumes and setbacks, with exterior finishes that give the appearance of a fine grain façade street wall treatment.

The Preliminary Forest Conservation Plan (PFCP) submitted with the Application has also been reviewed and approved, subject to the conditions listed in the revised Preliminary Forest Conservation Plan approval letter dated August 26, 2021 ("PFCP Approval Letter"). As noted in the conditions below, compliance with the PFCP Approval Letter, as may be amended, is incorporated as a condition of Mayor and Council approval of the Application.

The Application is compatible with and will complement the surrounding uses and properties. The Property is surrounded by other MXCD zoned properties and the mixed-use Planned Development of King Farm. The Application replaces an outdated auto dealership and surface parking lot with a modern residential community featuring missing-middle housing. It will serve to provide activation of the existing nearby commercial uses and additional ridership to the Metro Shady Grove Station.

Per its authority under Zoning Ordinance Section 25.16.03.h, the Mayor and Council can reduce the number of parking spaces required for the Application's proposed community center. This section provides Mayor and Council discretion in allowing reductions, including "for good cause shown." Since there are more than adequate spaces on the street, no on-site spaces shall be required, as approximately 16 on-street parking spaces and one ADA stall are located directly adjacent to the community center with pedestrian accessibility demonstrated.

Pursuant to Section 25.16.03 of the Zoning Ordinance, the Application meets all other parking requirements by providing 376 parking spaces for rear-loaded townhomes and 128 parking spaces for front-loaded townhomes at two (2) spaces per unit, and 177 spaces for stacked condominiums at 1.5 spaces per unit, five (5) on-street accessible visitor parking spaces and one (1) on-street accessible space for the community center, and the Application exceeds the minimum parking requirements by providing 95 on-street visitor parking spaces, 128 visitor parking spaces at townhomes with front-loaded driveways and 59 visitor parking spaces at stacked condominium

driveways. Visitor parking in the proposed development is provided at a rate of .76 spaces per unit, exceeding the recommended ratio of .50, including 95 on-street spaces.

Pursuant to Section 25.07.02 of the Zoning Ordinance, the Chief of Planning has reviewed the Property and all existing improvements thereon and has determined that neither the Property nor any of the improvements have any historic significance or otherwise qualify as historic resources under the Rockville Zoning Ordinance or any other applicable laws and regulations. Any existing improvements may be demolished, and the proposed development constructed without any further historic studies, analyses or reviews.

The Mayor and Council acknowledge that implementation of the approved Project Plan's urban multi-family and townhouse design requires the grant of waivers by the Planning Commission of Sections 25.21.21.a & b of the City Code pursuant to Section 25.21.07 of the City Code to allow: 1) a reduction of the number of street trees within the public right-of-way by up to 12%; and 2) a reduction of the required trees per residential lot from 3 trees to up to 2.6 trees per lot, based on an aggregate number of the on-site trees located anywhere on the subject property. Overall, the Project will lead to an increase in trees than are currently there and will result in approximately 908 trees across the site, subject to the Planning Commission approval and the site plan process. The Mayor and Council supports the requested waivers in this case

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

The Property is currently improved with largely impervious surface: a one-story auto dealership structure, paved surface parking lots and undeveloped land. The Application will reduce the existing impervious surfaces. It will also include modern storm water management features as detailed on the Storm Water Management Concept Plan. The Application meets all forest conservation requirements under City Code Section 10.5-22.

BE IT FURTHER RESOLVED THAT all provisions of the Annexation Agreement between the Mayor and Council of Rockville, Victor, Inc. and KBSG Associates, LLC ("Annexation Agreement") shall be applicable to this Resolution. None of the provisions of this Resolution are intended to alter, modify, or amend the terms and conditions of the Annexation Agreement. The Annexation Agreement shall control in the event any of the specific terms and conditions of this Resolution are contrary to, at variance with, or inconsistent with the Annexation Agreement.

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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  
November 8, 2021.

  
Sara Taylor-Ferrell  
City Clerk/Director of Council Operations

