

Resolution No. 18-21

RESOLUTION:

To approve, with conditions, Project Plan Application PJT2020-00012

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 February 5, 2020, the Applicant, Key West Fallsgrrove, LLC c/o Lerner Enterprises (“Applicant”), filed Project Plan Application PJT2020-00012 (“Project Plan Application” or “Application”), pursuant to Section 25.07.07 of the Zoning Ordinance, to amend the Planned Development to allow a residential development in lieu of the designated office use, with up to 350 multi-family residential units, of which 15% are expected to be Moderately Priced Dwelling Units per condition 12, and a maximum building height of 76 feet (the “Project”), on approximately 7.03 acres of property located at 1800 Research Boulevard (the “Property”); 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 July 29, 2019, and a post-application area meeting held on March 8, 2020, 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 April 8, 2020 and June 22, 2020, respectively; and

WHEREAS, pursuant to Section 25.07.07 of the Zoning Ordinance, the Planning Commission, at its April 14, 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 subject to the forthcoming conditions, with the exception of condition number three (3) related to the inclusion of a commercial or retail component; 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 November 1, 2021, at which the Mayor and Council heard testimony and received evidence on the Application; and

WHEREAS, on December 6, 2021, the Mayor and Council held a public meeting on the

Application, at which the Mayor and Council discussed the proposed application and provided instructions to staff on next steps; and

WHEREAS, on December 20, 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. PJT2020-00012, to allow a residential development on the Property in lieu of the designated office use, with up to 350 multi-family residential units, of which 15% are expected to be Moderately Priced Dwelling Units per condition 12, and a maximum building height of 76, or, alternatively, no more than 213,000 square feet of office development on the Property, subject to the following conditions:

1. The Project must be designed in a manner consistent with the development standards located within the tables on the Concept Site Development Plan, dated January 10, 2020, all associated exhibits, and generally consistent with the graphic conceptual representation shown on that same plan drawing.
2. The existing office use designated for the Property shall remain as a valid approval until such time that the first building permit is issued for the development of the proposed residential use on the Property.
3. Prior to Level 2 Site Plan approval, the Applicant must identify all existing encumbrances on the property and, prior to DPW permit issuance, revise all necessary deeds, easements, agreements, dedications, covenants, and declarations to conform with the Project Plan and Site Plan approvals, as determined by DPW.
4. A Pre-App SWM Concept must be approved prior to submission of the Level 2 Site Plan and Development SWM Concept. The development's Stormwater Management Concept must be approved prior to Level 2 Site Plan approval.
5. A Safe Conveyance Study must be approved prior to Site Plan approval. The Pre-App SWM Approval letter will establish the study points of the safe conveyance analysis. However, this analysis may be concurrent with the Development SWM Concept.
6. A Water & Sewer Authorization must be approved prior to Level 2 Site Plan approval. The application must demonstrate the proposed change in use from approved office to residential. If the plan results in a net reduction in Average Wastewater Flow, or results in an increase less than 10,000 gallons per day (gpd), no further review will be required and a positive finding can be provided for the Adequate Public Facilities Ordinance.
7. A Preliminary Sediment Control Plan must be approved prior to site plan approval.
8. In accordance with the approved Rockville Bikeway Master Plan, the Applicant must construct a buffered 10-foot-wide shared use path along the entire Property frontage on

Research Boulevard.

9. All requirements of the Forest and Tree Preservation Ordinance and related forestry guidelines must be met at the time of Level 2 Site Plan approval.
10. An application pursuant to the publicly-accessible art in private development ordinance must be approved prior to building permit issuance and the fulfillment of the ordinance prior to the occupancy permit.
11. At the time of site plan application submittal, the applicant must provide: (1) a fire protection site plan; (2) a turning template for parking lot drive lanes; (3) dimensions, roadway widths, and parking lot driveway widths; (4) location of all new or existing fire department hydrants with dimensions of distances proposed to/from the building(s); (5) proposed location of fire department connection (FDC); and (6) proposed location for fire department access box (knox-box).
12. The Applicant will provide either i) the percentage (15%) of MPDUs adopted by the Mayor and Council for new residential projects in the City of Rockville pursuant to the pending draft Ordinance to amend the MPDU law introduced on November 8, 2021; or (ii) if such pending draft Ordinance is not adopted by November 1, 2022, such MPDUs as currently required for new residential projects in the City of Rockville.

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 dated January 10, 2020;
2. Exhibit B: Concept Building Elevations and Floor Plans;
3. Exhibit C: Fallsgrove Concept Plan, Resolution 1-00

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 November 1, 2021, December 6, 2021 and December 20, 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, and particularly the shift from office to residential use on the Property, will not be detrimental to the health and safety of persons working or living in the neighborhood of the Property. As described by City staff, the change would, in fact, decrease potential traffic impact on the road infrastructure in this area, and add a number of public amenities, including a new pocket park along the northern end of the property easily accessible from the Millennium Trail and shared use path along the Research Boulevard frontage for the use and enjoyment of the public, and two courtyards and a children's playground for use by the residents of the development. These improvements will improve both pedestrian safety and access to public amenities for persons residing or working in the neighborhood of the proposed project.

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

Given the recommendations from the Rockville 2040 Comprehensive Plan, a residential use would not be in conflict with the Plan. The Project is consistent with the Land Use Policy Map, the Zoning Recommendations, and the Urban Design Recommendations in the 2040 plan. The Project will contribute toward a pedestrian-oriented, urban-scale streetscape. It orients primary building facades and front doors toward the street and public open space. The Project will include ground enhanced pedestrian areas and amenities, attractive landscaping, and bicycle infrastructure, consistent with the Plan.

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;*

As required per Section 25.20.03.a.3. of the Ordinance, the Application is subject to a determination of adequate public facilities compliance for the proposed changes. 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 Project will not have a detrimental impact on the existing and planned

transportation network. Based on the trip generation comparison, the change from office development to residential development will result in the generation of fewer than 30 new peak hour vehicle trips. Further, the proposed residential development of 350 multi-family dwelling units, or the 213,000 SF of approved office space development, whichever is constructed, will be served adequately by the existing roadways and public transit services, and by the existing and proposed pedestrian and bicycle facilities.

Water and Sewer Authorization approval from the Department of Public Works (DPW) for connection to the City's water and sanitary sewer systems will be provided at the Site Plan approval stage. The Water and Sewer Authorization letter will identify capacity constraints and lists project-specific conditions of approval. The Applicant will construct a network of water and sanitary sewer infrastructure to serve the development and may be required to construct off-site improvements to mitigate the capacity deficiencies created as a result of increased demand generated by the development.

Stormwater Management (SWM) for this project will be provided for all new and replaced impervious area as required by Chapter 19 of the Rockville City Code. On-site SWM is being provided by the applicant through the construction of Environmental Site Design (ESD) measures, including micro-bioretenion facilities. The Applicant is providing 100% of the required environmental site design volume (ESDv). If necessary, the safe conveyance of storm drainage will be analyzed by the Applicant and provided through the mitigation of storm drain capacity deficiencies.

The Property is served by the Richard Montgomery Cluster Area schools (Ritchie Park Elementary, Julius West Middle School, and Richmond Montgomery High School). Using the Montgomery County Student Generation Rates, FY2022-2023, the proposed 350-unit proposal will generate the following number of students: 18 students at the elementary school grade level, 8 students at the middle school level, and 11 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 permitted capacity level is 120% and no more than a 110-seat capacity deficit in elementary and 180-seat capacity deficit in middle. The Application meets these standards for the elementary and middle schools. At the high school level, Richard Montgomery HS is projected to be below 120 percent of the projected program capacity in the City's school test year (the 2026-27 school year) due to the additional capacity provided by the new high school at Crown. The new

high school is an approved project in the Montgomery County Public Schools FY22 Educational Master Plan and Capital Improvements Program, with capacity becoming available in the Fall of 2026.

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

The Application complies with all provisions of the Zoning Ordinance in that a detailed concept plan has been submitted with associated tables and graphics that would act as the development regulations for the area at the time the site plan is submitted for review and approval. Parking, lighting, building height, 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.

The Application is in keeping with the recommended design guidelines in Sections 25.13.06 and 25.13.07.c. The building's massing and design are aesthetic and visually interesting. The architectural styling extends to all sides of the building and the building features projecting elements, framed courtyards in the front and rear of the building, and a mix of materials that include glass, brick veneer, and metal and cementitious panels. The Project engages well with the surrounding community. In addition to including structured parking, surface parking would be located to the side and rear of the building and would be screened with landscaping. Structured parking facades would complement the general building appearance. Along Research Boulevard, the building would engage the street in sections that would break up the massing. The Project would provide convenient access into the site through two driveways along Research Boulevard. A shared use path along Research Boulevard, connections to the Carl Henn Millennial Trail, sidewalks, and an enhanced bus stop would support pedestrian and bicyclist movement. Loading docks, utility services, transformers and trash areas would be located along the south and west sides of the building, obscured from Research Boulevard.

There is no forest conservation requirement for this Project since the forest conservation requirement was met with the overall Falls Grove development. Instead, a tree save plan showing tree replacements has been submitted and approved.

Per the letter submitted on November 18, 2021, the Applicant proposes a condition to provide 15% MPDUs should the draft ordinance be adopted by Mayor and Council by June 30, 2022. If not, the Applicant will meet the current requirement of providing 12.5% MPDUs on-site.

The proposed distribution of all MPDUs will be determined at the site plan review phase of the project, and the MPDUs shall be evenly distributed throughout the project.

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

The Project will not adversely affect the natural resources or environment. The Project will provide on-site stormwater management, and the forest conservation requirements under City Code Section 10.5-22 would be satisfied. No impacts are expected to the adjacent stream valley and forest conservation easement.

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
December 20, 2021.


Sara Taylor-Ferrell
City Clerk/Director of Council Operations