

Resolution No. 20-14

RESOLUTION: To approve, with conditions, Project Plan Application PJT2014-00004, an Amendment to Preliminary Development Plan PDP2004-00007, JBG/5 Choke Cherry, LLC Applicant

WHEREAS, on May 23, 2005, the Mayor and Council approved Resolution No. 14-05 approving Preliminary Development Plan PDP2004-00007, for a mixed use redevelopment on a 19.82 gross acre tract, located at the southeast corner of Shady Grove and Choke Cherry Roads, herein identified as Upper Rock. Said PDP approval was in accordance with the (then) I-3 Zone Optional Method of Development set forth in Sections 25-660 et seq. of the Zoning and Planning Ordinance then in effect; and

WHEREAS, in accordance with Resolution No. 14-05, said approval authorized construction of 844 dwelling units (a mix of multifamily units and live/work units), 23,500 square feet of new retail/commercial/office space, retention of an existing 238,087 square feet office building, conversion of an existing 73,700 square feet office building to residential and commercial use, and associated on-street and structured parking; and

WHEREAS, Resolution No. 14-05 specified the amount of development and type of use among Blocks A through H of Upper Rock, including 100 multifamily units and 9,000 square feet of restaurant space on Block B limited to 40 feet in height, 158 multifamily or live work units on Block C limited to 90 feet in height, and 14,500 square feet of retail and office space limited to 40 feet in height on Block D; and

WHEREAS, Resolution No. 14-05 specified that one hundred twenty six (126) Live/Work units were approved as part of the total number of residential units approved for the

area encompassed by the PDP and permitted to be located on Blocks B, C, or E as shown on the PDP Land Use Massing Plan attached as Exhibit 1; and

WHEREAS, on February 21, 2014, JBG/5 Choke Cherry, LLC ("the Applicant") filed Project Plan Application PJT2014-00004 ("the Amendment Application"), pursuant to Sec. 25.14.07.e.2 of the Zoning Ordinance, a proposal to amend PDP2004-00007 as follows: i) allow for demolition and removal of the existing 73,700 square foot office building located on Block B, thus eliminating approved residential units that were to be created via conversion of the building to residential use; ii) allow commercial/retail development of Blocks B and C, in lieu of the approved multifamily residential development, which was to include up to 126 live/work units; iii) allow 34,700 square feet of retail/commercial development on Blocks B and C in lieu of 23,500 square feet of retail/commercial/office space; and iv) designate Block D as permanent open space in lieu of the approved retail and office development approved for that block; and

WHEREAS, pursuant to Section 25.05.03.c and 25.07.03 of the Zoning Ordinance, the applicant affirmed via submission of required affidavits that both written and electronic public notification was provided for all area and public meetings that were held in association with the processing of the Amendment Application; and

WHEREAS, pursuant to Sections 25.07.07.9 of the Zoning Ordinance, the Planning Commission at its meeting on September 10, 2014, reviewed the subject Amendment Application, and after considering the information presented and testimony provided, unanimously voted to recommend that the Mayor and Council approve Amendment Application PJT2014-00004, subject to conditions as referenced in the September 3, 2014 Planning Commission Staff Report; and

WHEREAS, pursuant to Section 25.05.03.c of the Zoning Ordinance, a duly noticed public hearing on the Amendment Application was held by the Mayor and Council on October 20, 2014; and

WHEREAS, the Mayor and Council found and determined that approval of the Amendment Application would promote the health, safety and general welfare of the citizens of Rockville, and the Mayor and Council made further findings set forth herein, based upon information presented and testimony provided as contained in the public record; and

WHEREAS, the Mayor and Council, find and determine, pursuant to Section 25.07.01.b.2. of the Zoning Ordinance, in consideration of Amendment Application PJT2014-0004, subject to the conditions, limitations, additions, and modifications set forth herein, as follows:

1. The Application will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed project; There is no evidence that the development of the subject site with commercial uses in lieu of the approved multifamily dwelling units and live/work units will be detrimental to the health and safety of persons working or living in the neighborhood. The development of Blocks B and C will be implemented in accordance with applicable building and life safety codes. Vehicular access to these parcels will be via onsite street entrances, located on either Upper Rock Boulevard or Upper Rock Circle, ensuring safe and efficient vehicular ingress and egress. New sidewalks and onsite pedestrian ways will be required to be provided allowing safe and unencumbered pedestrian movement in and around the site area.

The proposed use of the subject property is compatible with the existing uses on the property and in the neighborhood. The development of these parcels will replace an office

building and surface parking lot with a mix of retail and commercial uses and surface parking, which are to be designed and built to accommodate persons living and working within the Upper Rock PD and in the surrounding neighborhood.

2. The Application will not be in conflict with the Master Plan (the Plan); The Approved and Adopted Master Plan assigned the land use designation of “Restricted Industrial/Office Park” to the subject property. The Master Plan recognized the Optional Method of Development in the then-I-3 Zone, which allowed for a greater mix of uses and increased density in proximity to planned transit stations, and stated that the optional method should be considered for the property after careful consideration of Plan principles and analysis of impacts on surrounding communities. In approving Resolution No. 14-05 for the Upper Rock mixed use community, the Mayor and Council found that the development was in compliance with the Master Plan. The proposed change in the mix of uses to add more retail and reduce the amount of residential dwelling units remains consistent with the mixed-use character as originally approved and found to be compliant 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; While the original determination of adequate public facilities for Upper Rock contained in Resolution No. 14-05 remains valid per Sec. 25.20.03.a.3 of the Zoning Ordinance, the proposed changes in land use are subject to a determination of adequate public facilities. The traffic statement submitted in accordance with the City’s Comprehensive Transportation Review (CTR) shows that the proposed amendment will result in a reduction of 60 AM peak hour trips and an increase of 25 PM peak hour trips. Because the net increase in trips is less than 30, no additional off-site roadway or pedestrian improvements are required per

the CTR. Sewer and water service is provided by WSSC, and the development resulting from the amendment will require less sewer and water demand. Similarly, although school capacity for 844 multifamily units is reserved, the removal of 292 multifamily dwelling units from the development will reduce the impact on the schools serving the site. The amendment has no impact on Fire and Emergency Service response time, as at least two Fire and Rescue Service stations are within the ten minute response time required. Therefore, the application will not overburden existing or proposed public facilities as set forth in Article 20 of the Zoning Ordinance.

4. The Application will not constitute a violation of any provision of the Zoning Ordinance or other applicable law. The proposed amendment does not violate any provision of the Zoning Ordinance. The property is zoned PD-UR (Planned Development – Upper Rock) and development standards are as set forth in Resolution No. 14-05. The amendment proposes reconfiguration of the remaining phase with retail uses, which were previously approved for the project. Although reconfigured, the amendment complies with the 40 percent minimum green area requirement of Resolution No. 14-05, and the new buildings will be required to comply with the approved height limits. A detailed review of site compliance will occur with submission of a Level 2 Site Plan application for review and approval by the Planning Commission.

5. The Application will not adversely affect the natural resources or environment of the City or surrounding areas. The approved Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) has identified no forested areas, wetlands or other sensitive natural features. The proposal will add tree cover and vegetative cover to the site, as well as improve stormwater management. Block D, currently developed as landscaped green space, will remain as such.

There is no evidence that the proposed amendment will adversely affect the natural resources or environment of the City or surrounding areas.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that Project Plan Application PJT2014-00004, an amendment to Preliminary Development Plan Application PDP2004-00007, be and the same is hereby approved, in accordance with the following terms, conditions and limitations:

1. All conditions of approved Preliminary Development Plan PDP2004-00007 shall remain in effect except as specifically modified by Project Plan Application PJT2014-00004 and the conditions hereinafter set forth. For the purposes of this Resolution, the approved Project Plan shall mean this Resolution and all Exhibits to this Resolution listed below and attached hereto, including notations, references, descriptions and writings on the Exhibits.

Exhibit 1 PDP/Project Plan, Upper Rock Phase III, dated June 3, 2014

Exhibit 2 Green Area Plan, dated June 3, 2014

Exhibit 3 Upper Rock District - Phase 3 Supplemental Design Guidelines, dated June, 2014

2. DEVELOPMENT DENSITIES AND LAND USE.

- A. Land Use Plan. Exhibit 1 is the approved Land Use and Massing Plan for the Upper Rock District, which reflects the amended land use designations and maximum allowable building heights for Blocks B, C and D. This plan supersedes Exhibit 1 of Resolution No. 14-05.

B. Allowable Land Uses and Densities. This amendment allows Blocks B and C to be developed with up to 34,700 square feet of retail/commercial development.

Block D is hereby designated as permanent open space. The allowable uses and densities for Upper Rock are as follows:

Use	Allowable Densities
Residential	552 dwelling units (total includes market rate units plus MPDUs. Total includes dwelling units that have been approved and built or are under construction within the approved PDP, i.e., Blocks E, F, G, and H.
Retail / Commercial	34,700 gsf. (exclusive of the 5 Live/Work Units Located on Block E)
Office	238,087 gsf. plus – Block A (Existing Nine-Story Office Bldg

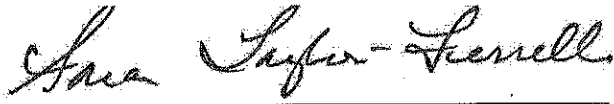
C. Land Use and Densities by Block. The 34,700 square feet of retail/commercial development constructed on Blocks B and C will be implemented in accordance with applicable development standards of the Zoning Ordinance, Forest and Tree Preservation Ordinance, applicable design guidelines, and other applicable law. The maximum height of buildings constructed on Blocks B & C is 40 feet as approved under this PDP amendment. The type of retail/commercial land uses which may be located and/or constructed on Blocks B & C of the Upper Rock District are regulated in accordance with Section 25.14.16 of the City's Zoning Ordinance. The above amends and supplements Section 2.C of Resolution No. 14-05.

D. Additional Provisions: Land Uses and Densities – The following amends and replaces Section 3.C of Resolution No. 14-05 in its entirety, as it applies to the existing live/work units located on Block E.

Live/Work units located in the Upper Rock District are defined as ground level units with street frontage and street level access, located on Block E, where the occupant may reside therein or conduct a commercial enterprise in the unit. The unit may be utilized by the occupant for residential or commercial purposes. Any commercial use permitted in the City of Rockville Zoning Ordinance in the MXE (Mixed Use Employment) Zone, the equivalent zone to the PD-UR (Planned Development-Upper Rock) zone is a permitted use in these first floor Live/Work units that are located on Block E of the Upper Rock District. There are five live/work units located on the ground floor of the mixed use building located on Block E. Parking shall be provided for the live/work units at 2 spaces per unit. A total of five units are approved as part of the total number of residential units approved for the area encompassed by the PDP, which are located on Block E as shown on the Land Use Plan attached as Exhibit 1.

3. GREEN AREA. The development shall provide Green Area generally as set forth on the Green Area plan attached as Exhibit 2 of this resolution, which replaces Exhibit 3 of Resolution No. 14-05.
4. DESIGN GUIDELINES. Buildings on Blocks B and C shall generally comply with the Upper Rock District – Phase 3 Supplemental Design Guidelines (the “Design Guidelines”) attached as Exhibit 3.

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 8, 2014.

A handwritten signature in cursive script, reading "Sara Taylor-Ferrell", written in dark ink.

Sara Taylor-Ferrell, Acting City Clerk

I-I

CONNECTION TO FIELDS ROAD

147-148

REGISTRATION

RECOMMENDATIONS

117-912

1. **Pre- and Post-Test**
 2. **Test**

RECEIVED
JAN 10 1964

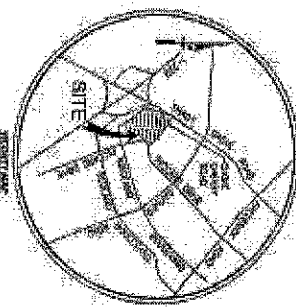
DATE _____
BY _____

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Case No.	Case Name	Case Type	Case Status	Case Date	Case Time	Case Location	Case Description	Case Action	Case Result
1	John Doe	Case 1	Open	2023-10-27	10:00	Room 101	Case 1 Description	Case 1 Action	Case 1 Result
2	Jane Smith	Case 2	Open	2023-10-27	11:00	Room 102	Case 2 Description	Case 2 Action	Case 2 Result
3	Bob Johnson	Case 3	Open	2023-10-27	12:00	Room 103	Case 3 Description	Case 3 Action	Case 3 Result
4	Alice Brown	Case 4	Open	2023-10-27	13:00	Room 104	Case 4 Description	Case 4 Action	Case 4 Result
5	Charlie White	Case 5	Open	2023-10-27	14:00	Room 105	Case 5 Description	Case 5 Action	Case 5 Result
6	Diana Green	Case 6	Open	2023-10-27	15:00	Room 106	Case 6 Description	Case 6 Action	Case 6 Result
7	Frank Black	Case 7	Open	2023-10-27	16:00	Room 107	Case 7 Description	Case 7 Action	Case 7 Result
8	Grace King	Case 8	Open	2023-10-27	17:00	Room 108	Case 8 Description	Case 8 Action	Case 8 Result
9	Henry Lee	Case 9	Open	2023-10-27	18:00	Room 109	Case 9 Description	Case 9 Action	Case 9 Result
10	Ivy Hall	Case 10	Open	2023-10-27	19:00	Room 110	Case 10 Description	Case 10 Action	Case 10 Result

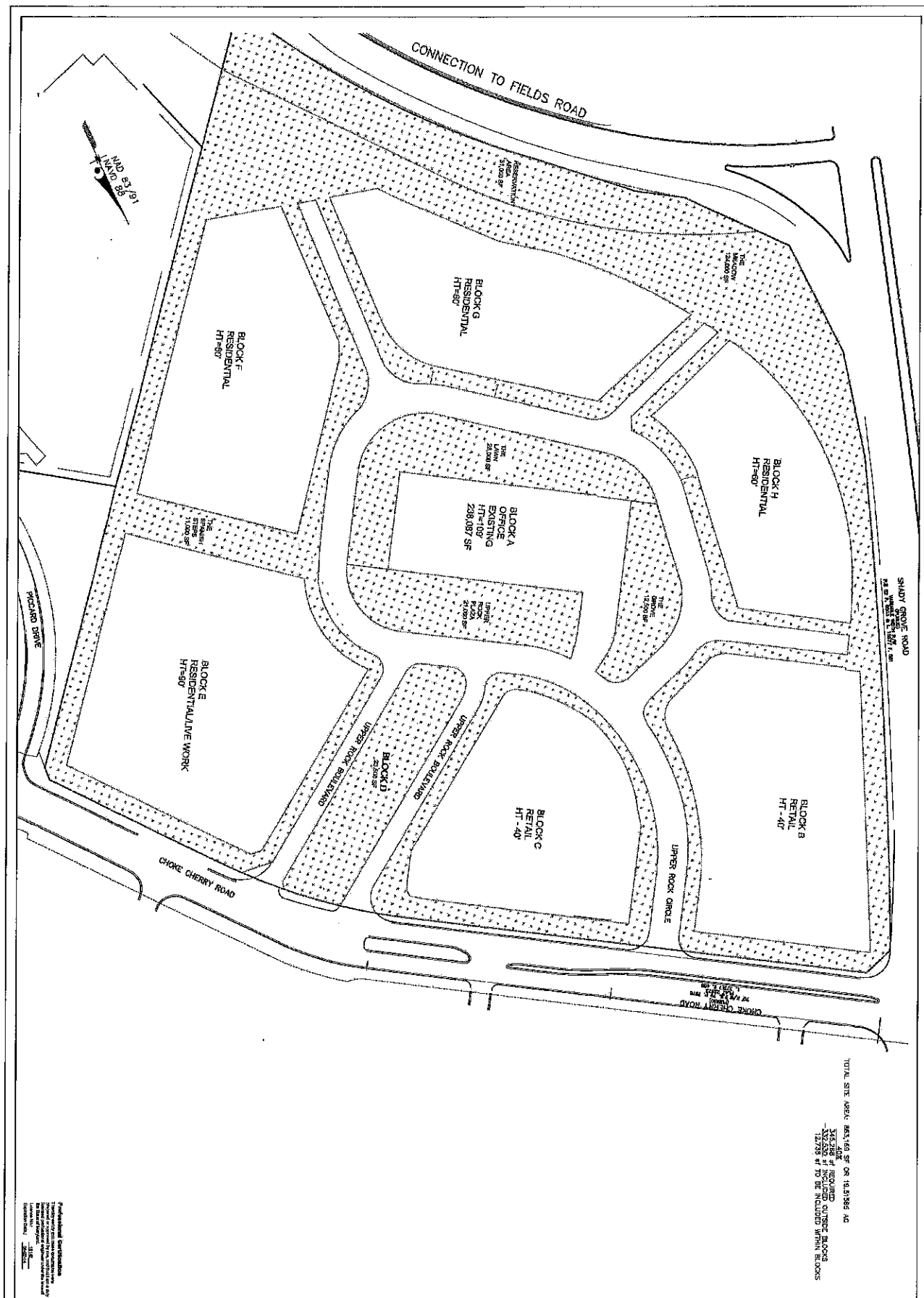
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UPPER ROCK - PHASE III
PRELIMINARY DEVELOPMENT/
PROJECT PLAN

J.E.A.
Solutions • General Associates, Inc.
P.O. Box 10000 • Dallas, Texas 75201-0000
Tel: 214/766-1000 • Fax: 214/766-1001

2000 N. Philadelphia Ave., S.
Gastonia, NC 28057
Tel: (704) 668-1130
Fax: (704) 661-0395
Internet: <http://www.chemco.com>





Professional Seal
 J.B.A.
 10/1/00

PLAN NO.	SCALE	DATE	SHEET
100-100	1"=50'	10/1/00	1 OF 1
FILE NO. 100-100			

UPPER ROCK - PHASE III GREEN AREA PLAN

BLOCKS B & C
 ROCKVILLE, MARYLAND

J.B.A.
 Johnson • Bernat • Associates, Inc.

Engineering • Surveying • Planning

265 N. Frederick Ave., S. 100
 Gaithersburg, MD 20877
 Tel. (301) 953-1133
 Fax (301) 953-6396
 www.jba-inc.net

TOTAL SITE AREA: 484,160 SF OR 11.075 AC
 100,000 SF OF PAVED OUTSIDE BLOCKS
 12,795 SF TO BE INCLUDED WITHIN BLOCKS

Introduction

The purpose of these supplemental guidelines is to apply the intent of the existing Design Code/Urban and Architectural Standards and to provide refined guidance for a program consisting of retail and restaurants. Each building will be evaluated on an individual basis to confirm compliance with the general intent of the Code. These supplemental guidelines will help ensure that the building uses, heights, bulk and mass, frontage quality, visual compatibility, materials and design techniques and compositions of Phase 3 will complement the quality of what is already built. They will also demonstrate that this phase of work will realize a quality designed coherent project upon completion of construction.

Articulation

Phase 3 buildings will be articulated with subtle and distinctive variations in massing both in plan (horizontal) and elevation (vertical) planes of design. Overly long buildings particularly will comply with this requirement, such as at primary and secondary entrances, by augmenting corner massing using distinctive architectural treatments and along continuous wall surfaces.

The design of the buildings will characterize the Code intent and demonstrate sensitivity to an urban condition as much as practically possible considering building use and site constraints. All buildings, whether multi-story or single-story structures will reasonably reflect urbane design treatments. It will be clear that the proposed buildings characterize a traditionally inspired architecture and include such elements as base, middle and cap features consistent with the intent of the Code.

Frontages

Retail and restaurant buildings often functionally require a distinction between what is a front/primary facade and what is a secondary or more utilitarian facade. Optimizing the design of these building types to serve the Upper Rock District and surrounding community calls for focusing frontages along surrounding roads. However, all facades will be designed with sensitivity to the intent of the Code and particular attention will be paid to the architectural quality and articulation of any secondary /utilitarian facades. These facades will incorporate architectural features, lighting treatments, and quality landscaping and appear as non-utilitarian finished facades with viable and high quality architectural compositions unto themselves and be compatible with the rest of the building. Primary frontages will likely be oriented toward pedestrian access routes and available parking areas for retail and restaurant buildings. This is intended to ensure that expected building users can easily access the buildings and is compatible with the general density and character of such uses in the region.

Streetscape

Quality landscape and hardscape (walks and paving) designs, material and landscaping species, and site amenities (benches, receptacles, bike racks, etc.) used in Phase 3 will match or exceed the quality of that which is in place in the previous phases of the development. Continuity between the existing built conditions and this phase will support the intent of the code to achieve an urban condition throughout the development.

Storefronts & Signage

All buildings storefronts will comply with the 12' height requirement. Variation in storefront material, proportion and configuration will be encouraged between tenants in multi-tenant commercial buildings in order to enhance a sense of variety, articulation and urbanism in each building.

A solid-to-void ratio appropriate for the single-story retail/restaurant program with a goal of 70% will be pursued and applied as consistently as possible to achieve the harmony that the Code intends to create. Each building can be designed and evaluated based upon its unique character, composition, materiality and merits and its compatibility within the context of the development. In order to maintain control on the building design composition quality, tenant storefront and signage criteria will be applied that follow the intent of the original Code yet are suitable to attract and retain the highest quality commercial tenants for the development. The signage standards will, in a tasteful and practical manner, encourage variety, type, size and location, lighting types, material, details and other controls to maximize the quality of the overall building appearance. This approach speaks to the intent of creating an authentic community that is not artificially determined as is the case in many suburban area retail and mixed-use developments.

Building Materials

The design intent for buildings in Phase 3 is to use authentic architectural materials, brick, stone, metal, specialty siding, natural wood, tile, concrete etc., avoiding synthetic "fake" materials as EIFS, vinyl siding and foam formed moldings as much as practically possible. Colors, materials and textures will be unique but compatible with that which is currently built. To this end, all colors may not explicitly be from a single quadrant of the color wheel, but the range of colors and materials will achieve the harmony called for in the original Code.