



Application for

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CITY OF ROCKVILLE**TXT**
2/09

2015 FEB -6 PM 1:01

City of Rockville*Department of Community Planning and Development Services*

111 Maryland Avenue, Rockville, Maryland 20850

Phone: 240-314-8200 • Fax: 240-314-8210 • E-mail: Cpds@rockvillemd.gov • Web site: www.rockvillemd.gov

Application Information:Is this an Amendment to Existing Text ? ☒ YES ☐ NOAdd New Zone Classes: ☐ YES ☒ NOAdd New Uses: ☐ YES ☒ NO

Number of new uses: _____

Ordinance # _____

Please Print Clearly or TypeProperty Address information 1900 Chapman AvenueProject Description Site Plan Tolling of site plan validity period pending appeal litigation in conformance with Md. case law
general applicability not zone specific**Applicant Information:***Please supply Name, Address, Phone Number and E-mail Address*Applicant 1900 Chapman Project Owner LLC c/o Hines, Two CityCenter | 800 Tenth Street NW | Suite 600
Washington, DC 20001, Matthew Hurson, Managing Director - Development, D 202-434-0253;
matthew.hurson@hines.comProperty Owner same

Architect _____

Engineer _____

Attorney Nancy Regelin, Esquire, Shulman Rogers, 12505 Park Potomac Avenue, Suite 600, Potomac, Md 20854,
301-230-5224, nregelin@shulmanrogers.com**STAFF USE ONLY****Application Acceptance:**

Application # _____

Date Accepted _____

Staff Contact _____

OR

Application Intake:

Date Received _____

Reviewed by _____

Date of Checklist Review _____

Deemed Complete: Yes ☐ No ☐

Application is hereby made with the Rockville Mayor and Council for Approval of a change in the text of the Zoning and Planning Ordinance of Rockville, Maryland.

Page _____ Article 25 - 05 and 25-07 Section 25.05.08, 25.07.06, 25.07.07

FROM: Which reads as follows see attached amendments redlined into existing ordinance

TO: Reads as follows see attached amendments redline into existing ordinance

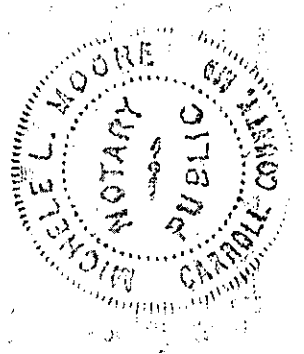
1900 Chapman Project Owner, LLC

By: Nancy Regalan, Esquire
(Signature of Applicant) Counsel to Applicant

Subscribed and sworn before this 6th day of February, 2015

My Commission Expires Michelle L. Moore

MICHELE L. MOORE Notary Public
NOTARY PUBLIC
CARROLL COUNTY
MARYLAND
MY COMMISSION EXPIRES JULY 20, 2015



The following documents are furnished as part of the application:

☒ A Complete Application

☒ Filing Fee

Comments on Submittal: (For Staff Use Only)

TXT

Sec. 25.05.08. - Extension of implementation period.

- a. In order to avoid expiration of the development approval, the implementation period may be extended only when all of the following conditions exist:
 - 1. The provisions of this chapter expressly allow the extension;
 - 2. An extension request is filed prior to the expiration of the approval; and
 - 3. The extension request is in writing and includes justification.
- b. Unless otherwise provided, authority to grant extensions of time shall rest with the Approving Authority that granted the original approval being extended.
- c. Extensions may be granted only upon good cause. In determining whether good cause has been shown, the Approving Authority must consider:
 - 1. The actions taken by the applicant to diligently pursue implementation of the approval, including but not limited to execution of required documents and pursuing other required approvals;
 - 2. Whether the approved development complies with all the current provisions of this chapter and other applicable laws and with the current plan recommendations; and
 - 3. Such other factors deemed to be relevant.
- d. An extension of the implementation period of an approval does not allow any change from the conditions of the approval for which the extension is requested.

(Ord. No. 29-09, § 5, 10-26-09)

e. The implementation period, including all extensions, of any development approval and/or related permit approval in effect on and after [adoption date], 2015 shall be tolled throughout the pendency of all appeals that are instituted at anytime during its implementation period. The tolling period shall end on the date of finality of the decision or final action of the appellate body with final jurisdiction. For all approvals automatically extended pursuant to this provision, the remaining implementation period and any extensions granted pursuant to Section 25.07.06 or otherwise provided by this Chapter, shall resume running after the end of the tolling period. The development approval shall remain in full force and effect throughout the implementation period inclusive of all extensions and the tolling period. During this period, the applicant may implement the development approval and the City shall continue to process all other applications necessary to implement the development approval. The Chief of Planning shall issue a confirmation letter to an applicant of any extension of the implementation period under this section.

Sec. 25.05.09. - Appeals.

Any party of record aggrieved by a decision of any Approving Authority may appeal that decision in accordance with the applicable provisions for that Approving Authority as set forth in this chapter.

Sec. 25.07.06. - Site plan implementation period.

- a. *Site plan approval.* A site plan approval by the Planning Commission or the Chief of Planning expires if construction does not commence pursuant to a validly issued building permit within two (2) years of the effective date of the Planning Commission approval, unless another time frame is provided by this chapter or by the terms of the approval.
- b. *Extensions.* Except as set forth in section 25.07.15, the Planning Commission or the Chief of Planning may, for good cause shown, grant no more than two (2) extensions of not more than one (1) year six (6) months each for any prior approval subject to the provisions of section 25.05.08, "Extension of implementation period". The Planning Commission may require as a condition of approval of an extension that the applicant submit periodic progress reports to the Chief of Planning detailing efforts undertaken to implement the site plan approval.
- c. *Multi-phase or multi-building site plan approval.* All phases of a multi-building or multi-phase project which has received site plan approval must be commenced within eight (8) years from the effective date of site plan approval unless another time frame is provided by this chapter or by the terms of approval. A site plan approval will become void for those buildings or phases within a multiple building or phased development for which construction has not commenced within eight (8) years from the date of the site plan approval or within such other time frame provided by this chapter or by the terms of approval. Unless otherwise specifically provided by the terms of approval, no extension may be granted from the implementation period set forth in this subsection c.

(Ord. No. 15-10, § 3, 6-21-10; Ord. No. 7-11, § 8, 6-6-11; Ord. No. 8-14, § 1, 4-21-14)

d.. For any site plan that was valid as of [adoption date] , 2015 and previously granted extension of its implementation period under Section 25.07.06.b above for no more than one (1) year in the aggregate, the Planning Commission or the Chief of Planning may grant additional extensions for the remainder of the maximum allowable extension period under Section 25.07.06.b.

e. For any site plan that is the subject of a timely noted administrative appeal that continues for a period of more than six (months) in the aggregate anytime during its implementation period ,the applicant shall be granted by the Chief of Planning an additional extension of the implementation period equal to the period running from the noting of the appeal through the date of finality of the decision or final action of the appellate body having final jurisdiction.

Editor's note—

Ord. No. 7-11, § 8, adopted June 6, 2011, repealed the former section 25.07.06, which pertained to level 3 site plan review and derived from Ord. No. 19-08, § 1, adopted December 15, 2008, and Ord. No. 29-09, § 7, adopted October 26, 2009. Subsequently, Ord. No. 7-11 redesignated the former sections 25.07.07—25.07.16 as sections 25.07.06—25.07.15. The historical notation of these sections has been preserved for reference purposes.

Sec. 25.07.07. - Project plan review.

An application for a site plan review with sixteen (16) or more points, as determined in subsection 25.07.02.b above, is processed as a project plan review and is subject to the following provisions:

1. *Pre-application area meeting.* The applicant must hold an area meeting prior to submitting an application, to outline and receive comments on the scope of the project. The applicant must provide notice of the meeting in accordance with the provisions of section 25.07.03
2. *Pre-application staff meeting.* The applicant must hold a meeting with staff of the City's Development Review Committee (the public is invited to observe, however these are not public hearings and no testimony will be received) prior to submitting an application, in order to outline the scope of the project and the scope of the comprehensive transportation review. At that meeting, the Chief of Planning will provide the applicant with a non-binding point evaluation for the project, which will be re-evaluated after the application is submitted.
3. *Project plan application.* The applicant must file an initial project plan site plan application prior to Planning Commission review in accordance with the provisions of section 25.07.03 and article 5 and provide a date for a post-application area meeting.
4. *Notice.* The applicant must provide notice of the application filing and the post-application area meeting in accordance with the provisions of section 25.07.03
5. *Post-application area meeting.* The applicant must hold an area meeting following submittal of an application to outline the scope of the project and receive comments. The applicant must provide notice of the meeting in accordance with the provisions of section 25.07.03 above.
6. *Briefing session for Mayor and Council and Planning Commission.* The Mayor and Council and the Planning Commission must each hold a public meeting to receive a briefing of the project plan.
7. *Revised project plan application.* The applicant is encouraged to revise the application pursuant to comments received at the briefing sessions and area meetings.
8. *Planning Commission public meeting.* The Planning Commission must review the project plan application, as revised, at a public meeting and provide an opportunity for public comment thereon.
9. *Planning Commission comments and recommendation.* Following its review, the Planning Commission shall prepare and transmit its comments and recommendations on the project plan application to the Mayor and Council.
10. *Revision to project plan application.* The applicant may file a revised application, if needed, based on the comments and recommendations of the Planning Commission, for consideration by the Mayor and Council.
11. *Notice.* The applicant must provide notice of the Mayor and Council public hearing and any revisions to the application, if applicable, in accordance with the provisions of section 25.07.03
12. *Mayor and Council public hearing.* The Mayor and Council must hold a public hearing on the revised application for a project plan.
13. *Area meeting.* If directed by the Mayor and Council, the applicant must then hold an area meeting to explain and receive comments on the proposed plan and provide notice in accordance with the provisions of section 25.07.03
14. *Final project plan application.* The applicant is encouraged to file a revised project plan based on comments received during the public hearing and from the area meeting.
15. *Findings.* The Mayor and Council must make the findings required in subsection 25.07.01.b.2.
16. *Decision; project plan implementation period.* Upon the close of the public hearing record, the Mayor and Council will render a final decision on the proposed project plan by resolution. If the

application is approved, the Mayor and Council will establish a time period in which construction on all phases of the approved project plan must commence.

17. *Conditions of approval.* Project plan approvals may be subject to any condition that the Mayor and Council finds necessary to protect the public health, safety, and welfare of the community and to ensure that the proposed use or development will be consistent with the purpose and intent of this chapter.
18. *Project plan implementation period.* A project plan approval expires if:
 - (a) A site plan application implementing all or a portion of a project plan is not filed within six (6) months of the date of the Mayor and Council's approval or within such other period of time as may be provided in the approval; or
 - (b) Except as set forth in section 25.07.15, construction on all phases of the approved project plan has not commenced within the time period set forth in the project plan approval, except that the approval does not terminate with respect to those phases of the project plan for which construction has commenced.
 - (c) Any project plan approval that is the subject of a timely noted administrative appeal, the applicant shall be granted by the Chief of Planning an extension of the time for filing the site plan application under subsection (a) above and the implementation period under subsection (b) above equal to the period running from the noting of the appeal through the date of finality of the decision or final action of the appellate body having final jurisdiction.
19. *Notice of decision.* The Chief of Planning must send notice of the Mayor and Council's decision on the final project plan in accordance with the provisions of section 25.05.06
20. *Preliminary plan of subdivision approval.* Approval of a project plan also constitutes approval of a preliminary plan of subdivision.
21. *Subsequent site plan review.* All development approved under a project plan is subject to subsequent site plan approval in accordance with the level 2 site plan review procedures under section 25.07.05 above. However, the pre-application provisions of subsections 25.07.05.1. and 2. are not required.
22. *Appeals.* Any person aggrieved by any decision of the Mayor and Council made on a project plan application may appeal the same to the Circuit Court for the County. Such appeal must be taken according to the Maryland Rules as set forth in Title 7, Chapter 200.

(Ord. No. 29-09, § 7, 10-26-09; Ord. No. 15-10, § 3, 6-21-10; Ord. No. 7-11, § 8, 6-6-11; Ord. No. 8-14, § 1, 4-21-14)

Note—See editor's note at section 25.07.06