

15931 Frederick Road
Statement of Justification
Site Plan Application (Level 2)



I. Introduction

Frederick Road, LLC, (the “Applicant”), the contract purchaser of the property located at 15931 Frederick Road (the “Property”), is pursuing Annexation of the property into the City of Rockville and Site Plan approval to redevelop the Property to accommodate a multi-family residential project. The Property is currently owned by 355 Partners (the “Owner”), which has authorized the Applicant to pursue the redevelopment of the Property. In accordance with the City of Rockville Zoning Ordinance, the Applicant is seeking approval of a Level 2 Site Plan to accommodate the redevelopment of the Property with 405 residential dwelling units (approximately 457,696 GSF square feet), including 61 Moderately Priced Dwelling Units (“MPDUs”) (*i.e.*, 15% of the total number of units) and a 493-space above-grade parking structure (the “Project”).¹

II. Property Description

A. Current Use

The Property is currently improved with a CarMax auto dealership, which in the fall of 2015 will be relocating to a new site on Shady Grove Road. In considering the future of the Property upon the departure of CarMax, the Owner had the option to either re-lease the Property to another auto dealership, which typically involves a twenty year leasehold interest, or pursue the redevelopment of the Property in a manner consistent with the adjacent former Reed Brothers site to provide multi-family residences in close proximity to the Shady Grove Metro Station.

B. Annexation

The Property is currently located within Montgomery County. Pursuant to Annexation ANX2015-00145, the Applicant is pursuing the annexation of the Property into the City of Rockville and redevelopment of the Project in accordance with the City of Rockville’s development procedures. The Property is located within the City’s Maximum Expansion Limit

¹ In the event the total number of units is decreased in connection with the preparation of the construction documents, the number of MPDUs will be adjusted accordingly to represent 15% of the total number of units provided.

and, in 2013, was recognized by Long Range Planning Staff as an area in which the City should take a “proactive near term approach to annexation.” Staff’s justification for this recommendation included:

- The property’s consistency with the theme of Route 355
- The property is a logical extension of the City
- Inclusion would better allow the city to control any redevelopment impacts
- The property would serve as a prominent gateway to the City
- The property will generate positive revenue to the City

C. Site Characteristics

The Property is comprised of 175,627 square feet (4.03 acres) and is proposed to be zoned Mixed Use Transit District (“MXTD”) upon annexation into the City of Rockville. The Property is located on the northeast side of Frederick Road, with frontage on Frederick Road and the Metro access road (the “Access Road”), at the entrance to the Shady Grove Metro Station. The King Farm community is located across Frederick Road from the Property. An easement attached to the Access Road (Liber 5498, folio 485) (“Easement”) runs with the Property, providing the Owner with non-exclusive and assignable easement rights for ingress and egress in, over, upon and across the Access Road. Pursuant to the Easement, a driveway from the Access Road to the Property is located approximately 385 feet from the intersection of the Access Road and Frederick Road, and serves as the primary access to the Property. A second existing entrance is located in the southeast corner of the Property, off of Frederick Road.

III. **Project Description**

A. Site Design

Located within the Shady Grove Transit Oriented Area (“TOA”), the Property is opportunely situated only 1,100 feet from the Shady Grove Metro Station entrance and thus is ideally situated for a multi-family residential building. In connection with projects within a TOA, the City standards allow for a conservative 15 percent reduction in the calculated peak hour trips to account for the expected number of residents that would commute via public transportation.² Information published by Montgomery County and census data would suggest that a non-auto mode share of 18 to 22 percent would be realized by a residential building in this

² Comprehensive Transportation Review Guidelines, City of Rockville, March 21, 2011.

location.³ The proposed residential development will involve the construction of a seven-story residential building that will anchor the parcel and frame the corner of Frederick Road and the Access Road, in a similar manner as the Bainbridge multi-family building to the north. In this way, the two developments frame the intersection, which includes the Access Road to the Metro. The multi-family building will be setback approximately 22 feet from the property line along the Access Road, and will be setback approximately 25 feet from the Frederick Road right-of-way to be consistent with the Bainbridge project and to not conflict with the PUE along the Frederick Road frontage.

B. Development Program and Architecture

A total of 405 residential units will be located in the building with a significant number of the units organized around a landscaped and amenitized courtyard measuring approximately 158 feet by 90 feet, for a total of 15,010 square feet. The Project will provide 61 MPDU units, in accordance with the City's requirements. The primary functional residential entrance is located along the northwest frontage of the building on the entrance drive off the Access Road. This location provides an appropriate pedestrian entrance for more convenient access to and from the Metro, consistent with the expected Metro ridership of the residents.

The parking garage is located behind the building and residential units will wrap the face of the garage concealing it from view on both the Frederick Road and the Access Road frontages. The parking garage will also be set back on the north side.

The Project's residential amenities will include the generously sized landscaped courtyard with a pool, open patio area, seating areas, grilling stations and an outdoor fire pit. The configuration of the spaces in the courtyard allows for both larger group gatherings as well as intimate seating areas. Accent and pathway lighting will be used to help create a subtle ambiance to the space, and trees, shrubs, ornamental grasses and groundcover will be planted to define the spaces as well as help scale the courtyard. Bio-planters for stormwater management are incorporated into the building, site, patio, and courtyard designs as an integral part of the landscape design rather than just as an isolated element. In addition, for the benefit of all of the residents, the Project will also provide a state-of-the-art fitness facility and a well appointed club room with wireless internet connectivity. The fitness facility and club room have been located on the first floor and extend from the Frederick Road façade to the interior courtyard providing visual connectivity between the indoor and outdoor amenities and an active street facade. Additionally, the main lobby will be a two story space that visually connects the entry plaza to the internal courtyard. The main lobby will be well appointed with a reception area, leasing office, mail room and business support area.

³ Local Area Transportation Review Guidelines published by the Maryland-National Capital Park & Planning Commission, dated January 2013, and American Community Survey, 2005-2009.

The proposed seven-story building is compatible in scale, massing and use of materials to the adjoining six-story Bainbridge building on the north side of the Access Road.

The first two levels of the building are expressed as a base or podium using brick detailing and tall windows to express the two story lobby and amenity spaces, creating visual and architectural interest at the pedestrian level and from the street. The façade above the street and base levels uses bays, recesses and balconies to provide further detailing, creating visual interest. Brick along with metal and colored panels similar to that used throughout the adjacent neighborhood's residential and commercial properties will blend the contemporary architecture of the building with both the building across the Access Road and the existing buildings along Frederick Road.

Along the Access Road the street presence is further enhanced with the inviting, landscaped entrance plaza and significant landscaping provisions along this façade.

The building façades vary in color, fenestration, height, and projections on each façade, presenting different views from all sides. Lastly, on the southeast corner of the Project along Frederick Road, the building steps back from the main façade to accommodate a fully screened loading area and second entrance to the garage.

C. Parking and Loading

Vehicular access to the parking structure will be provided by the two existing driveways serving the Property: a right-in/right-out turn on Frederick Road and an existing driveway entrance onto the Access Road. It is anticipated that the majority of the vehicles will exit the Project from the Access Road driveway which will allow vehicles to make both northbound and southbound turns from the Access Road onto Frederick Road at the signalized intersection.

The Applicant recognizes that during the weekday, a significant portion of the residents will be relying on public transportation to commute to work. At the same time, the Applicant also recognizes that despite heavy reliance on public transportation during the week, the majority of the residents will own cars. For this reason, it is important for the Project to provide an adequate number of parking spaces. The Applicant's goal is to provide a sufficient number of parking spaces to serve the building's residents, employees, vendors and their guests, without over building the number of spaces. Based on this analysis, the Project will provide a total of 493 parking spaces in a five-and-one-half level, above-grade parking structure. The final configuration of the garage is needed to accommodate the required number of spaces and results in just ten more spaces than the Zoning Ordinance requirement.

The operational components of the Project (*i.e.*, the loading docks, utility services, transformers and trash areas) are consolidated in one area and located at the southeast corner of the Property at the Frederick Road access point. These operational components will be screened by an eight-foot high masonry screenwall and landscaping and thus will not be visible from Frederick Road.

D. Open Space and Landscaping

The Project will provide 18 percent open space (32,000 square feet), in excess of the 15 percent open space requirement. This open space will include 10 percent (17,600 square feet) public use space, for the enjoyment of the residents and general public. The vast majority of the public use space is located along the frontage of the Access Road, with a lesser amount located along the Frederick Road frontage of the Property. The public space located parallel to the Access Road will include ornamental trees, shrubs, and groundcover plantings. Included in the public use space is an open entry court to the building. Located in this area are seating areas, an area for public art, bike racks and lighting. Landscaping, including trees, shrubs and groundcover, will be used to accent the spaces and the building. The public areas have been intentionally positioned and designed to improve the pedestrian environment for those walking to the Shady Grove Metro Station. The public use space along Frederick Road will be improved with a seven-foot tree lawn with a six-foot sidewalk adjacent to the landscape buffer area along the front of the building. The remaining open space is provided in the front entry court and around the perimeter of the project.

In accordance with the Zoning Ordinance requirements, the sidewalk along Frederick Road will be six feet in width and will include a seven-foot tree lawn. The Access Road, as well as the sidewalk within it, is owned by WMATA and located within Montgomery County and the existing sidewalk is five feet in width. In order to accommodate the future construction of the Corridor Cities Transit Way, the Access Road section may be revised to include a ten foot wide sidewalk and a two foot wide landscaped maintenance strip behind the existing southern curbline.

E. Corridor Cities Transit Way

In connection with the Project, the Applicant has had numerous meetings with the Maryland Transit Authority in order to ensure that the Project can accommodate the most current plans for the Corridor Cities Transitway ("CCT"), which is to run along the Access Road.

F. Signage

Building identification signage, including two blade signs to be located at the corner of Frederick Road and the Access Road and along the southern end of the building will be provided in accordance with Article 18 of the Zoning Ordinance.

G. Civil Engineering

A Natural Resources Inventory was approved by the City of Rockville on June 19, 2015. A Preliminary Forest Conservation Plan is proposed based on providing 15 percent afforestation, or 0.60 acres (26,200 s.f.) of tree cover. This will be accomplished with the planting of 77 shade, large evergreen, and ornamental trees. Ten replacement trees will also be provided.

Stormwater management will be addressed by a series of bioretention planters, providing as ESD volume of 60 percent. The remaining stormwater requirement will be met through two structural filters.

Public water and sewer service will be provided by WSSC with their facilities located in Frederick Road. Electric service from PEPCO will be brought to the project and will run through a series of four transformers, which will be located above-ground, near the loading dock/service area and behind an architectural screen wall. The architectural screen wall will be clad in brick with recessed bays and cast stone accents, compatible with the building design. In accordance with Section 25.17.03.c, the Applicant is filing a waiver request contemporaneous with the Site Plan application to permit the transformers to be located in a screened above-ground location.

IV. Smart Growth and Sustainability

The Project is consistent with the Smart Growth principles of the City as well as the region. According to the Metropolitan Washington Council of Governments, the Washington region's population is expected to increase by 25 percent by the year 2040. In Rockville alone, the residential population is expected to increase 34 percent from 2010 to 2040⁴. At the same time, there are a finite number of metro stations in the Washington region and a responsible response to the anticipated increase in population is to focus growth around these metro station areas.

In providing 405 residential units, including 15 percent MPDUs, just 1,100 feet from the Shady Grove Metro Station, the Project furthers State, County and City housing and environmental policies. With increased frequency, residents opt to live at locations conveniently

⁴ City of Rockville Municipal Growth Element, December 13, 2010

served by public transportation, in order to eliminate the additional expense associated with daily commuting by automobile. The Project, with its location immediately adjacent to the Metro Station and within walking distance of needed retail uses is ideally suited for this lifestyle choice. The environmental benefits of locating 405 residential units within 1,100 feet of a Metro Station, where a considerable percentage of the residents will be able to commute via public transportation, are significant.

V. City of Rockville November 12, 2002 Comprehensive Master Plan

The November 12, 2002 Approved and Adopted City of Rockville Comprehensive Master Plan (the "Master Plan") locates the Property within the Urban Growth Area boundaries. As such, the Property is an area previously identified as a potential expansion area for the City of Rockville. The Master Plan designates the Property within the Shady Grove Urban Growth Area, Sub-area 1. The recommended land use for this area is "mixed use development with a diversity of housing types while accommodating parking needs." The development of the Property with needed multi-family residences at this location is consistent with this recommendation.

The Project will further a number of the Master Plan's overall goals and objectives, including the following:

- Enhance the mobility of people, goods and services (4-18)
- Increase transit use by residents and employers (page 4-25)
- Ensure multi-modal access to new developments (page 4-27)
- Minimize the impact on the natural environment (page 4-32)
- Encourage the construction of housing close to the Metro Station and in the Town Center (page 10-1)
- Create a balance between different housing types (page 10-1)
- Promote policies and practices that are non-discriminatory in the rental housing stock and that preserve neighborhoods, recognize historical significance, encourage affordable and accessible housing and consider the impact of land use (page 10-1)

The Master Plan clearly recognizes the value of developing housing within easy walking distance of public transportation. As the Master Plan states: "If new developments rely strictly on the existing road networks to absorb all of the new demand they create, congestion will increase even in areas where roads are not operating at capacity. Yet, if these developments are designed with accessibility to all modes of transportation in mind, impact on the road system can be minimized."

VI. Compliance with the Mixed Use Transit Development Zone Development Standards

For the MXTD Zone, the density of development is determined by compliance with the various development standards set forth in Section 25.13.05, the additional design guidelines of Section 25.13.06, and the special design regulations of Section 25.13.07 for mixed use zones. The Project complies with the applicable provisions of the Zoning Ordinance, as described herein below.

A. Section 25.13.05 – Development Standards

1. Subsection 25.13.05a – Build to Line

Section 25.13.05.a requires compliance with any build-to lines established by the Master Plan (by placing at least 70 percent of the length of the building wall facing that line at the build-to line), or any building restriction lines established by the Zoning Ordinance in Section 25.17.08. In this case, the Master Plan does not establish any build-to lines applicable to the Property, and the Zoning Ordinance does not establish any building restriction lines that would be applicable. The Project therefore complies with Section 25.13.05.a.

2. Subsection 25.13.05b – Development Standards

a. Subsection 25.13.05b(1)

The Project complies with the applicable development standards for the MXTD Zone set forth in Section 25.13.05.b:

	Required/Permitted	Proposed
Maximum Height (in feet)	120'	85'
Total Open Area Required	15%	21%
Public Use Space Required w/in Open Area	10%	10%
Setbacks Abutting Public Right-of-Way	None	25 feet from Frederick Road
Side Setback Abutting Residential	25' or height of building, whichever is greater	N/A
Side Setback Abutting Non-Residential Land	None; 10' min. if provided	25 feet minimum on south side 22 feet from north side
Rear Setback Abutting Residential	25' or height of building, whichever is greater	N/A

Rear Setback Abutting Non-Residential Land	None; 10' min. if provided	10 feet
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b. Subsection 25.13.05b(2)

In addition to the height standards set forth in subsection 1, subsection 2 provides that in the MXTD zone building facades at the street should have a range of 45 feet to 65 feet, but that the Mayor and Council may approve additional height up to 120 feet. Because the building is set back from Frederick Road 25 feet and is not located on the street line, this provision is not applicable.

Based on the surrounding uses, the layback slope requirements set forth in subsection (d) are not applicable.

3. *Subsection 25.13.05c – Other Standards and Requirements for New Development*

Summary of Requirement	Proposed
Access areas of a building intended for non-residential uses must not have any access to areas of the building used for residential purposes [Section 25.13.05c.3]	N/A – No non-residential provided
MPDUs – Residential development must comply with MPDU requirements [Section 25.13.05c.4]	Project will provide 15% MPDUs
Public Use Space – must be provided consistent with Section 25.17.01 [Section 25.13.c.5]	10% (17,600 square feet) of public use space will be provided.

B. Section 25.13.06 – Additional Design Guidelines

	Summary of Requirement	Proposed
<u>Aesthetic and Visual Characteristics for All Zones</u>		
Facades and Exterior Walls Including Sides & Backs [Section 25.13.06.b.1]	Avoid massive scale and uniform and impersonal appearance. Building walls	The first two levels of the building at street level have tall windows compared to the

	greater than 100 feet should include projections, recessions and other treatments.	upper levels of the building. The upper levels of the building are composed of bays and recesses. Balconies and changes in elevation of cornice line provide visual interest and diversity to the façade.
	Occupy at least 60 percent of street frontage with windows, arcades and awnings. Architectural treatment similar to front façade must be provided to the sides and rear.	Over 60 percent of the street frontage is composed of tall windows with varied panels. The façade has recessed panels at the street level. Amenity and lobby spaces activate the street level. The sides and rear façade architectural treatment match the front of the building. The garage façade has brick piers to provide visual interest.
	Provide architectural features that contribute to the visual interest at the pedestrian scale.	The redevelopment of the Property from a car lot to a new residential building will improve the aesthetics of the area. Detailed brick is used to provide visual interest at the pedestrian level.
Roofs [Section 25.13.06.b.2]	Provide variations in rooflines. Roof features should complement the architectural and visual character of adjoining neighborhoods.	Variations in roof lines are provided. Accent corner elements and bay compositions add character and visual interest to the building.
Materials & Colors [Section 25.13.06.b.3]	Utilize building materials and colors compatible with those in adjoining neighborhoods.	Brick is used throughout the neighborhood and is used on the building along with cementitious and/or metal colored panels to provide scale and visual interest compatible with the neighborhood.

Items Allowed Not Facing A Public Street [Section 25.13.06.b.4]	The following items are allowed either on sides not facing a public street or in the rear yard: (a) window and wall air conditioners; (b) electric utility meters; (c) air conditioning compressors; and (d) irrigation and pool pumps.	The building design complies with the requirements.
Entryways [Section 25.13.06.b.5]	Provide highly visible entryways.	The primary entrance is located off of the Access Road, on the highly visible entrance plaza. A second entry will be located along the Frederick Road frontage. The entry will be visible to all traveling along Frederick Road.
Screening of Mechanical Equipment [Section 25.13.06.b.6]	Screen mechanical equipment to mitigate noise and views.	Rooftop mechanical elements are screened by parapets; transformers at grade are screened by an architectural masonry wall and landscaping. <u>See note below.</u>
<u>Site Design and Relationship to Surrounding Community</u>		
Vehicular Access [Section 25.13.06.c.1]	Provide vehicular access from arterial	Vehicular access is provided off of Frederick Road and the Access Road.
<p><u>Note:</u> In connection with the Site Plan, the Applicant will file a waiver request to locate the transformers above grade in a screened location, as discussed in Section III-G herein.</p>		

C. 25.13.07a - Special Design Regulations for MXTD Zone

Section	Summary	Proposed
Building Location [Section 25.13.07a.1]	Buildings should be located at the front property line and if access to parking is provided along front, it should be provided through a portal.	Building will be set back 25' from the Frederick Road property line and 22' from the Access Road

		property line. <u>See Note</u> below. Garage entrance along front is set back 165 feet from Frederick Road and provided through a portal below the residential units that wrap the garage along Frederick Road.
Uses by Floor [Section 25.13.07a.2]	Ground floor retail uses are preferred, but not required, and ceiling height on ground floor should be 15 feet.	The amenity spaces at the street level along Frederick Road will provide 15-foot ceiling heights and large windows.
Façade [Section 25.13.07a.3]	Provide expression line above first floor.	The first two stories are expressed as a base or podium with double height ceiling space in the amenity and lobby areas. The podium is defined as a linear expression that articulates the base from the building above.
Fenestration	Above-ground floor, fenestration should be individually framed windows.	The façade is composed of varying window and door sizes and configurations to add visual interest and diversity to the façade.
Sidewalks	Comply with Section 15.17.05 which recommends 7 foot tree lawn, 6 foot path and 2 foot safety area.	The sidewalk will include a 7 foot tree lawn, 6 foot path and 2 foot safety area.
Parking	Provided in accordance with Article 16 which requires spaces; structured parking preferred; parking facades must be treated in manner similar to building façade; parking must be screened.	Parking is provided in a multi-story, above grade parking garage. The façade of the parking garage is screened on Frederick Road by the residential building, and

		architecturally treated on the rear and side facades.
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Note: Section 25.13.07a.1 provides that buildings *should* be located at the front building line. As such, this section is permissive, not mandatory. Moreover, given the circumstances of the Property, it is desirable for the building to be setback from both Frederick Road and the Access Road. The siting along Frederick Road is intended to be consistent with the Bainbridge building in order to help frame the street. In addition, an existing public utility easement mandates that the building be set back. Along the Access Road, the 22 foot setback allows for a gradual transition in the grade and accommodation of the future construction of the CCT. In addition, the setback accommodates required bio-retention beds, planters, and landscape buffers.

VII. Adequate Public Facilities

The Applicant's preliminary analysis indicates that there are adequate public facilities with respect to schools, transportation, fire and rescue, and water and sewer to accommodate the proposed Project. More specifically, in regard to schools, the Project is located within the Gaithersburg cluster. The cluster capacity as of July 1, 2015 is elementary school 109.4%; middle school 106% and high school 101.8%. There is adequate capacity at each of these schools to accommodate the students anticipated to be generated from the Project. With respect to transportation, the Applicant's Comprehensive Transportation Review submitted as part of the subject Site Plan Application concludes that all of the study intersections currently operate below the City's congestion standards and would continue to do so with the full redevelopment of the Project. Thus, new vehicular traffic generated by the Project will be adequately accommodated by the roadway network without requiring the need for additional intersection mitigation. Based on the City's requirements, a Transportation Improvement Fee is required to be assessed based on the final number of multi-family units.

The Property is served by at least three to seven fire stations within a 10 minute response time and the closest Rockville police station is located within 2.7 miles (at 2 West Montgomery Avenue).

VIII. Findings

The Project satisfies the required Site Plan findings set forth in Section 25.07.01 of the Zoning Ordinance in that the Project will not:

ensuring a prompt response time to the Project in the event of an emergency. There is adequate capacity within the Gaithersburg High School cluster to accommodate the anticipated student generation.

D. Adversely affect the natural resources or environment of the City or surrounding areas

The Project will not adversely affect the natural resources or environment of the City or the surrounding areas. The Project is converting an existing impervious lot with limited stormwater measures into a Project that will increase the pervious areas and include environmental site design facilities. In terms of afforestation, we will be providing the required fifteen percent tree cover on-site. The addition of 405 residential units in proximity to the Shady Grove Metro Station will promote the use of metro ridership, which will benefit the environment of the City as well as the surrounding area, given that a significant percent of the residential population is anticipated to use Metro to commute to work.

E. Be in conflict with the Plan

As discussed above, the Project is consistent with the City Master Plan and will further a number of the Master Plan's goals and objectives.

F. Constitute a violation of any provision of this Chapter or other applicable law

The proposed Project complies with the provisions and laws of Rockville governing the development of the Property. As detailed earlier in this Statement, the Project complies with all of the MXTD development standards. The Project will comply with the City's Green Building Standards by minimizing the development's impact on the environment, and meeting the new 2015 International Green Construction Code. The Project will comply with the City's affordable housing requirements by providing 15 percent MPDUs. The Project will also comply with the City's Art in Private Development Ordinance. Finally, in regard to the City's afforestation requirements, the Project satisfies the threshold requirement by providing more than the ten percent minimum tree cover.

G. Be incompatible with the surrounding uses or property

The Project will not be incompatible with the surrounding uses, including the Metro Station parking lot, day care center and auto-body site. Moreover, the Project will be highly compatible with the uses to the north and east, which like the Project, provide multi-family residences.

IX. Community Outreach

In accordance with the City's requirements, the Applicant held a Pre-Application Meeting ("PAM") on April 8, 2015, which was attended by eight individuals. Details of this meeting, including meeting minutes, were submitted to Staff in a letter dated July 27, 2015. In addition to the PAM, the Applicant met with the King Farm External Affairs Committee on April 6, 2015 and the Shady Grove Advisory Committee on July 28, 2015.

X. Conclusion

The proposed Site Plan provides an opportunity to transform an ideally suited location from an auto dealership, with a large impervious surface parking area, into a highly sought after transit-oriented residential development, that will include up to 61 MPDUs.