

**622 Hungerford Drive**  
**Statement of Justification**  
**Site Plan Application (Level 2)**

May 9, 2024

Updated January 9, 2025

**I. Introduction**

On behalf of the Applicant, Toll Mid-Atlantic LB Company Inc. (the “Applicant”) the contract purchaser of the property located at 622 Hungerford Drive (the “Property”), we are submitting this Level 2 Site Plan application to redevelop the Property from existing office townhouse condominiums to 48 two-over-two residential multi-family condominiums.

As discussed in more detail herein, since the original submission of the Site Plan in May 2024, the Applicant has made a number of revisions in response to Staff comments. These revisions include the following:

- The Property will be re-subdivided into a single record lot
- The internal access drives are referred to as Interior Driveways and will measure 20 feet in width (Zoning Code requires a minimum of 18 feet)
- Realignment of the Hungerford Drive frontage to provide an eight foot wide shared use path and a two foot wide landscaping panel
- Addition of a six foot wide sidewalk connection at the south portion of the site to provide pedestrian accessibility
- Right-of-way dedication at entrance has been expanded and encompasses 755 square feet and is depicted on the plans
- Addition of water meter vault near the vehicular entrance, with each building being sub-metered
- Minor adjustment to public open space to 12,700 square feet (14 percent)
- Revised tree type along the western property boundary to a columnar trees

**II. Project Description, Zoning and Surrounding Area**

**A. Existing Use and Conditions**

The Property is located on the west side of North Hungerford Drive at the convergence of North Washington Street and Hungerford Drive. The Property contains 94,673 square feet (2.17 acres) of gross tract area and is comprised of Parcel N 547 (the western parcel) and Parcel N 548 (the eastern parcel), as reflected on Plat No. 11941. The Property is currently improved with 25,281 square feet of townhouse-styled office units constructed in 1979, located on Parcel N 548, surrounded by a surface parking lot. Parcel N 547 is vacant and used for parking and is currently fenced off from Parcel N 547. The offices are located in two rows of townhouse type units with the eastern row setback from Hungerford Drive with surface parking and a drive aisle located

between the units and the front Property line. The existing entrance to the Property is located along the northern Property line.

## **B. Zoning**

The Property is zoned MXNC. The 2040 Comprehensive Plan designates the Property as OCRM, Office, Commercial and Residential Mixed Use. The Comprehensive Plan makes no specific recommendations with respect to the Property, although it does recommend that the City work with Montgomery County Department of Transportation and the State Highway Administration to develop appropriate solutions to the Route 355 corridor to improve street design, increase non-auto drive share and accommodate the Bus Rapid Transit.

## **C. Surrounding Area**

The Property is surrounded by a variety of land uses and zoning. Immediately to the south of the Property is the MXNC zoned post office site; to the west are single family R-60 zoned properties; to the northwest is College Square, a RMD-25 zoned multi-family condominium community; to the north is a MXCD zoned commercial building; and to the east, across Hungerford Drive are a variety of commercial properties, all located within the MXCD zone.

## **III. Proposed Plan**

The Applicant is proposing the development of 48 two-over-two multi-family ownership units (condominiums) on the Property, in three rows of eight structures, running parallel to Hungerford Drive (the “Project”). The existing Property consisting of two parcels will be re-subdivided into a single record lot with 755 square feet of dedication to accommodate the future Bus Rapid Transit, thus resulting in a net tract area of 93,918 square feet.

Each townhouse-type structure will contain two units, with one unit occupying floors 1 and 2, and the second unit occupying floors 3 and 4. The structures will be designed with a flat roof and will measure no more than 55 feet in height. Facades will include a brick veneer component which differs in amount from structure to structure in various shades of earth tones with variation in each building row, so each row of units feel like a composed and balanced design yet still provide variety throughout the community. Elevation designs include bay projections and window paneling details to add texture and depth to the facades. The units read as sophisticated, urban housing.

Access within the Property will be provided via an Interior Driveway system that intersects with Hungerford Drive at the northeast corner of the Property. The Interior Driveway extends along the northern portion of the Property and then in a north-south direction behind the backs of the residences with a southern connection provided between the western and middle Interior Driveways to provide for complete circulation. In general, the width of the Interior Driveway is 20 feet, except at the entrance where it widens to 25 feet.

Each unit will be provided two parking spaces – one space within the garage and one within the driveway outside the garage. Six additional guest parking spaces will be provided on site,

parallel to the northern property line. The Project is designed in accordance with the Zoning Ordinance design provisions as indicated by the development standards table set forth in Section V. below. The most eastern row of units is located 21.7 feet to 26.9 feet from the eastern property line and frames Hungerford Drive. A six foot wide sidewalk extending in front of the row will connect to the Hungerford Drive eight foot wide shared use path at the north and south end of the row. The shared use path tapers to five feet along its southern portion to connect to the existing sidewalk to the south of the Property. A six foot sidewalk extends along the southern Property line from the shared use path west to the Interior Driveway. In accordance with Staff's direction, while the frontage improvements have been designed based on present day conditions, they will accommodate BRT in the future, based on the current plans.

In accordance with the Zoning Ordinance requirements, given that the proposed height exceeds 45 feet, 15 percent (14,088 square feet) of open space is required of which 10 percent (9,392 square feet) must be public use space. The Project exceeds these requirements with 22 percent open space (20,900 square feet) and 14 percent (12,700 square feet) public use space. The vast majority of public use space will be located between the western and center row of structures for use by both the public at large and the residents of the community. The design of the public use space will invoke an English garden and involve an open linear courtyard with seating and play elements. The repetitive specialty sidewalk paving features will help guide users into the public space. Wayfinding signage will be provided at Hungerford Drive to further identify the public use space.

A seven foot wide buffer will be provided along the western Property line will be planted with columnar trees 25 foot on center to supplement the existing landscaping in this area and provide an enhanced visual barrier between the residential structures and Ivy League Way, a private street. Along the northern Property, a variable width landscape buffer, comprised of shade trees, evergreen trees and shrubs will be provided. A perimeter fence will be located along the north, south and west Property lines. Vehicular access to the Property is proposed in approximately the same location as the existing entrance, along the northern Property line and as noted, a pedestrian access path will be provided along the southern Property line.

#### **IV. City of Rockville 2040 Comprehensive Master Plan**

The Property is located in the northern portion of Planning Area 1, Rockville Town Center, and is designated OCRM (office, commercial and residential mix) on the Land Use Policy Map. There is no specific project designation for the Property, although it is located adjacent to Project P7 which calls for "MDOT SHA to study potential solutions to improving the intersection of North Washington Street and Hungerford Drive that increase safety and mobility for all modes." The Plan reaffirms the MXNC zoning for the Property.

The Project is consistent with and will further several of the objectives specific to the Town Center planning area, as follows:

- Accommodate a variety of densities and scales of development that are sensitive to an urban neighborhood environment and the demands of the marketplace (page 255)

- Increase the number of residents and housing density in Town Center to provide additional housing options for residents across the full range of income levels (page 263)
- Ensure that BRT routes are compatible with existing and planned land uses (page 262)

The Project will also further a number of the Comprehensive Plan's overall goals and objectives, related particularly to housing and transportation, as follows:

- Foster sufficient market rate housing (page 193)
- Promote diversity in the supply of housing (page 198)
- Promote walking, rolling and bicycle modes (page 56)
- Maximize the use and value of transit assets and services (page 63)

#### **V. Compliance with the Mixed Use Neighborhood Commercial Development Standards**

The project complies with the development standards set forth in Section 25.13.05, as described below.

##### **A. Subsection 25.13.05b(1)**

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

	<b>Required/Permitted</b>	<b>Proposed</b>
Maximum Height (in feet)	Allows up to 65' with 15% open area	55' flat roof
Total Open Area Required	15% (14,088 SF)	(22%) 20,900 SF
Public Use Space Required w/in Open Area	10% (9,392 SF)	(14%) 12,700 SF
Minimum width at frontline	10'	>10'
Setbacks Abutting Public Right-of-Way	None, 10' min. if provided	>10'
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	>10'
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	N/A

The Project complies with the Zoning Code's layback requirements pursuant to Section 25.13.05.2.(e) that requires that the structures cannot penetrate the 30 degree layback slope line, beginning at the property line of the residential property located on the west side of Ivy League Lane.

#### B. Subsection 25.13.06 - Additional Design Guidelines

The Project is located in one of the City's mixed use zones and thus the Project is subject to the additional design guidelines of subsection 25.13.06. Analysis of compliance with applicable additional design guidelines is provided below:

##### *a. Purpose*

The Project represents high quality development that is consistent with the intent and purpose of the additional design guidelines for mixed use zones.

##### *b. Aesthetic and visual characteristics for all zones.*

###### *1. Facades and exterior walls including sides and backs.*

The Project proposes high-quality urban design. The first floor includes a recessed entry leading to the two separate units. The façade of each row is broken down in a number of ways and most importantly, the façade treatment varies from unit to unit, adding visual interest. The varying façade treatments include different brick colors for each two-over-two unit, projected bays on some of the units, expression lines and varying window cornice designs. In addition, there is some slight variation in the front building line of the units. The overall result of these varying design applications is a handsome residential project. The side elevations include a base brick veneer along the first story to provide visual interest. One side of each row of structures will also include a five foot by 30 foot one-story utility closet. The rear elevations, which will be oriented toward the interior of the Property, include two separate garages on the first floor with the brick veneer treatment extending along the first story. Optional metal railings would create a Juliet balcony on some of the unit's main living area on the second and third stories of the structure. Outdoor living space on the rear portion of each unit's roof, will be provided for each upper story (the units occupying the third and fourth floors) unit.

###### *2. Roofs.*

The Zoning Ordinance calls for roof variation to add interest to and reduce the massive scale of "large buildings." The three rows of residential attached units certainly do not qualify as large buildings and there is no need for roof variation. The variation in the facades as well as the subtle variation in the front building line of each unit will nonetheless achieve the objective intended by this section.

###### *3. Materials and color.*

As explained and as evidenced by the submitted elevations, portions of the front facades of the structures include a brick veneer in a variety of rich colors. Various materials add accent to the

front façades. The side and rear elevations incorporate a combination of masonry (brick veneer) and horizontal siding, with metal railings.

*4. Items not allowed facing a public street.*

This provision is not applicable to single unit attached dwellings in a mixed-use zone.

*5. Entryways.*

This provision is applicable to nonresidential uses and customer entrances. As a single-use residential development, the Project does not incorporate customer entrances.

*6. Screening of mechanical equipment.*

The mechanical equipment for the lower level units will be located between the driveways at the rear of the structures and will be screened with landscaping. The mechanical equipment for the upper level units are located on the roofs of each structure and will be appropriately screened to mitigate noise and visual impacts.

*c. Site design and relationship to surrounding community.*

*1. Buffers.*

The Project will supplement the existing landscape buffer along the western Property line that is located on the College Square property. Currently, this landscaping area is approximately 2 feet in width. The Project will be adding an additional five feet of landscaping along the western Property line (seven foot wide total) to include columnar trees to enhance the visual buffer. Along the northern Property line a seven foot wide variable width landscape buffer will be provided with shade trees, evergreen trees and shrubs.

*2. Outdoor sales and storage.*

As a single-use residential development, the Project does not propose outdoor sales or storage of products.

*3. Trash recycling, waste oil/grease collection area.*

Trash and recycling collection will occur at each residence along the Interior Driveway. Each garage is designed with sufficient room to store the trash and recycling bins with the garages.

*4. Parking lots and structures.*

Each residence will have two parking spaces; one in the garage and one in the driveway with access off the Interior Driveway at the rear of each residence. In this manner, the parking is integrated into the overall community. In addition, parking for visitors in the event driveway parking is not available is provided in the six parking spaces located along the northern Property line.

*5. Pedestrian and bicycle flows.*

The Project includes a series of sidewalks. The eastern row of units along Hungerford Drive will include two lead sidewalks to the Hungerford Drive shared use path. A sidewalk along the southern side of the vehicular entrance will guide residents and visitors into the Project and to the public use space as well as to the front yards of the western row of houses. In addition, sidewalks running both north-south and east-west will be provided throughout the public use space. The improvements along the Hungerford Drive streetscape will include the eight foot wide shared use path.

*6. Central features and community spaces.*

The Project will provide a generous amount – 20,900 square feet, of open space, including 12,700 square feet devoted to public use space. The primary central feature will be the improved public use space in between the western and middle row of residences which will be improved to include a play area, benches and landscaping. A vertical art sculpture will be located at the northern end of the public use space and visible from Hungerford Drive to further attract visitors to this space. In addition, a lead walk with special paving and wayfinding will be provided at the vehicular entrance to the Project. The proposed location of the public use space ensures that it will be buffered from the heavily traveled Route 355 and that, consistent with the City's urban design guidelines, the residential structures will frame the Hungerford Drive frontage of the Property.

*7. Delivery and loading spaces, hours of operation.*

Parking is proposed at the rear of the building groups off of the Interior Driveways to ensure adequate access and visual screening. Trash and recycling will be picked-up at each residence, thereby eliminating the need for a centralized dumpster. Given the residential product type, a designated loading space is not provided.

*8. Ancillary uses.*

No ancillary uses are proposed.

*9. Noise abatement.*

The Project is proposed in conformance with the noise regulations set forth in Chapter 31B of the Montgomery County Code.

*10. Outdoor lighting.*

Outdoor lighting consisting of six private streetlights along the northern entrance, bollard lighting along the courtyard sidewalk, and catenary lighting over the courtyard seating area will be provided. The lighting will conform to the City's landscaping, screening, and lighting manual.

*11. Landscaping.*

The Project's landscaping is proposed in conformance with the City's landscaping, screening, and lighting manual.

*d. Mixed Use Neighborhood Commercial Zone (MXNC)*

*1. Building location*

Zoning Ordinance Section 25.17.08.b.1.(b) provides for an 85 foot building restriction line from the center line of Hungerford Drive. Accordingly, the eastern row of residences is located 87 feet from the center line.

*2. Uses by floor*

The Project is entirely residential.

*3. Façade*

The Project is designed in a townhouse style and will provide a variation in the façade design, with some units including projected bays. The brick veneer component on the front facades is varied to provide visual interest and all of the front doors and many of the windows include cornice lines. The result is a classic, sophisticated design.

*4. Fenestration*

Fenestration will be provided by individual framed windows, fitting for a residential design. A projected bay window will be included on some of the units.

*5. Sidewalks*

In order to provide accommodations for both pedestrians and bicyclists, an eight foot wide shared use path will be provided along the Property frontage. It is recognized that this is an interim condition until Hungerford Drive is reconstructed to accommodate the BRT.

*6. Parking*

Parking is provided in individual garages and the driveways at the back of the residences along the Interior Driveways, in compliance with the parking requirements. In this manner, the parking will not be visible from the street. In addition, six visitor spaces are provided along the northern Property line.

**VI. Adequate Public Facilities**

There are adequate public facilities with respect to transportation, schools, fire and rescue, and water and sewer to accommodate the proposed Project. Based on the Montgomery County student generation rates, the Project will generate four elementary school students (Beal Elementary), two middle school student (Julius West Middle), and two high school students (Richard Montgomery). The closest police station is located at 2 West Montgomery Avenue just



0.6 miles from the Property and the closest fire department is located at 380 Hungerford Drive, 1 mile from the Property and there is sufficient capacity at both to serve the Project.

As indicated by the Transportation Scoping Form, the proposed 48 dwelling units will generate 70 percent less AM and PM peak hour trips (i.e. 40 fewer AM trips and 40 fewer PM trips) than the existing commercial development.

The stormwater management concept plan, SMC2024-00005, was approved on March 29, 2024. Stormwater will be address by a series of micro-bioretenention units and underground structural storage pipes providing filtered treatment and a hydro-dynamic separator. The NRI/FSD was approved on March 1, 2024.

## **VII. Community Outreach**

The Applicant held a Pre-Application Meeting (“PAM”) on September 26, 2023 and had a subsequent meeting with representatives of College Square on January 4, 2024. The Post-Application civic meeting was held on June 11, 2024, subsequent to the filing of the Site Plan.

## **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:

- A. Adversely affect the health or safety of persons residing or working in the neighborhood of the proposed development

The Property has been designed to be compatible with the surrounding neighborhood and as such will in no way adversely affect the health or safety of persons residing or working in the neighborhood. The Project is modest in height and density, at approximately 46 feet in height and only 48 total residential units proposed. There are no immediately adjacent residential uses and the closest home is located approximately 130 feet to the southwest of the southwest corner of the Property. The closest home directly to the west of the Property is approximately 380 feet away. The redevelopment of the Property will transform a tired, aesthetically unappealing commercial townhouse development into a new, attractive residential community.

- B. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood

The proposed residential Project will in no way be detrimental to the public welfare or injurious to property or improvements in the neighborhood. In fact, the Project will have a positive impact on the neighborhood by replacing an unattractive commercial site that lacks a street presence with a new, contemporary residential community. In addition, the Project provides a new housing opportunity – a two-over-two product type that allows for home ownership of a residence that is smaller in size than the standard market townhouse.

C. Overburden existing and programmed public facilities as set forth in Article 20 of this Chapter and as provided in the adopted Adequate Public Facilities Standards

The Project represents a decrease in the number of peak hour trips, with 70 percent less overall trips – 40 fewer AM peak hour trips and 40 fewer PM peak hour trips. There is adequate available capacity at Beal Elementary, Julius West Middle, and Richard Montgomery High School to accommodate the anticipated number of students. There is sufficient police, fire and emergency services in proximity to the Property to ensure a prompt response time to the Project in the event of an emergency.

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 surrounding area. The Project will convert an existing impervious site with little to no stormwater management to a developed site that satisfies the City's stormwater management requirements through the use of micro-bio retention areas and planters and increases the amount of pervious areas on the Property. There are no specimen trees on the Property and forest conservation and tree mitigation requirements will be satisfied on-site.

E. Be in conflict with the Plan

As discussed above, the Project is consistent with the City's Comprehensive Plan and will further a number of the Comprehensive 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 MXNC development standards, including significantly exceeding the amount of required open space. The Project will comply with the City's Art in Private Development Ordinance by providing a commissioned sculpture along the northern end of the public use space between the western and middle row of residences. The Project will also satisfy the City's Forest Conservation requirements on-site and will comply with the City's Green Building Standards by minimizing the development's impact on the environment and meeting the applicable International Green Construction Code. The Historic District Commission on March 21, 2024 voted unanimously to support the demolition of the existing commercial buildings on the Property.

G. Be incompatible with the surrounding uses or property

The Project will be compatible with the surrounding uses. The height of the Project at +/- 46 feet is in keeping with the surrounding development. The Property is adjacent to commercial uses on the north and south and is approximately 130 feet away from the closest single family home. While a different product type, the two-over-two concept is compatible with the College Square townhouse styled condominiums that are located northeast of the Property. However,

given that the Property's vehicular and pedestrian access will only be from its western frontage, there will be little to no interaction between the two communities. Furthermore, the Applicant is proposing additional landscaping along the western boundary that will further enhance the existing landscaping buffer along the shared Property line.

## **IX. Conclusion**

The proposed Site Plan provides an opportunity to convert an underutilized, dated commercial development into needed modestly scaled, for-sale residential development, in the northern portion of the Town Center.

For the reasons stated throughout this Application, we encourage the City's approval of this Level 2 Site Plan.