



**Exhibit 6a
H-155**

Heather Dlhopsky
hdlhopolsky@wiregill.com
301-263-6275

**BEFORE THE DISTRICT COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

**IN THE MATTER OF THE
APPLICATION OF PIKE CENTER
FEE 1807, LLC, FOR REZONING TO THE
CRF ZONE CLASSIFICATION**

*
*
*
*

Zoning Application No. H-155

STATEMENT OF JUSTIFICATION

Revised October 2024

The Applicant, Pike Center Fee 1807, LLC (the “Applicant”), by and through their attorneys, Wire Gill LLP, is applying for a local map amendment requesting the rezoning of the property located at 12101 Rockville Pike in Rockville, more particularly known as Parcel B, Washington-Rockville Industrial Park, as shown at Plat No. 6708 recorded on June 13, 1962 (“Pike Center” or the “Property”), from its current CR-2.0, C-0.75, R-1.5, H-200 to the CR Zone (Commercial Residential-Floating) (the “Application”), specifically CRF-2.5, C-0.75, R-2.25, H-200. The Property is presently developed with an approximately 81,007 square-foot shopping center, in the format of a strip shopping center with large quantities of surface parking located between the stores and the Rockville Pike frontage. As such, both the design and the uses are obsolete, especially given the site’s proximity to two Metro stations as well as Rockville Pike. The Application would allow rezoning of the Property in order to accommodate a denser, mixed-use development that is much more appropriate for this location given its transit proximity and siting in the heart of the White Flint 2 Sector Plan area. The Application complies with all applicable review requirements and criteria necessary for approval, as discussed more fully below.

I. BACKGROUND

The Applicant is the owner of 12101 Rockville Pike, located on the east side of Rockville Pike and west side of Chapman Avenue directly north of their intersection with Bou Avenue, and directly south of the City of Rockville boundary. The Property is comprised of 292,440 square feet of existing lot area, or 358,752 square feet of gross tract area, which gross tract area is the basis for density calculation attributable to the Property. Pike Center is zoned CR-2.0, C-0.75, R-



Heather Dlhopsky
hdlhopolsky@wiregill.com
301-263-6275

1.5, H-200, and is located within the Rockville Pike-Montrose North District of the White Flint 2 Sector Plan, approved and adopted in January 2018 by the Montgomery County Council (the “Sector Plan”).

To the south of the Property, across Bou Avenue, is Montrose Crossing Shopping Center, which includes one- and two-story retail uses including several major anchor stores, large areas of surface parking, and the approximately 18-story condominium building, Midtown Bethesda North Condos. Directly north of the Property are a handful of retail uses (gas station, vehicle repair, restaurant, and medical marijuana dispensary) which front on Twinbrook Parkway and are located within the City of Rockville. West of the Property, across Rockville Pike, are the Federal Plaza and Towne Plaza shopping centers, with significant retail and restaurant uses and surface parking. There are also existing multi-family buildings west of Rockville Pike, but they are located west of the aforementioned shopping centers so rather buffered from the Property by the shopping centers and Rockville Pike itself. East of the Property, across Chapman Avenue, is the Guitar Center and Flagship Carwash Center, also located in the City of Rockville. As noted, the properties north and east of the Property are located in the City of Rockville, while the properties south and west are located in the County. The subject Property and all surrounding and nearby areas are zoned for significantly greater density and height than are currently developed.

The Applicant proposes this Application which, if approved, would allow development of the Property with a mixed-use project with up to 760 multi-family residential units (including 15% moderately priced dwelling units, or “MPDUs”) and up to 90,000 square feet of non-residential uses¹, as well as private structured parking, private amenities, and public amenities and public benefit points (the “Project”). In support of this Application, the Applicant is proposing the following binding elements that would be applicable to the Project. These are also reflected in the Floating Zone Concept Plan included in the Application.

¹ Final unit count and unit mix and non-residential square footage proposed will be refined at the time of future applications.



Heather Dlhopsky
hdlhopolsky@wiregill.com
301-263-6275

- The Applicant commits that the maximum building height on the Property will be 200 feet, but that the maximum building height of the proposed new Building A will not exceed 90 feet and proposed new Building B will not exceed 200 feet.
- The Applicant commits that the number of multi-family residential units on the Property will not exceed 760.
- The Applicant commits that the square footage of non-residential uses on the Property will not exceed 90,000 square feet.
- The Applicant commits to providing the half-acre Neighborhood Green identified for the site by the Sector Plan, with this space to be provided as public open space. Specific location and design features will be specified at the time of future Site Plan application(s).

II. THE PROJECT

As noted, this Application proposes to develop the Property with a multi-family residential building consisting of up to 760 multi-family residential units (including 15% MPDUs) and up to 90,000 square feet of non-residential uses², as well as private structured parking, private amenities, and public amenities and public benefit points, in accordance with Division 4.7 of the Zoning Ordinance. The Project will require rezoning of the Property from its current CR-2.0, C-0.75, R-1.5, H-200, in order to increase the CR total to 2.5, and the R component to 2.25. The Applicant team believes that not only will these slight increases in permissible density result in a better redevelopment vision for the site, but these increases are actually more consistent with nearby properties. For example, directly across Rockville Pike from the Property are Federal Plaza and Towne Plaza, both of which are zoned CR-2.25, C-0.75, R-1.5, H-150, so 50 feet in height less than the Property is zoned for, but with a total density permitted of 0.25 FAR greater than the Property.

Permitting the additional 0.5 FAR of maximum density (“CR”) and additional 0.25 FAR of residential density (“R”), would result in a better project because it can be built with Type I concrete construction, placing more units wholly within a half-mile radius of the Twinbrook Metro

² See Footnote 1.



Heather Dlhopsky
hdlhopsky@wiregill.com
301-263-6275

Station. Additionally, the proposed building and street layout maintains the existing traffic light at Rockville Pike as the main entrance to the Project and continues the new local street from across Rockville Pike as recommended by the Sector Plan. The increased density also allows Building B to have a smaller footprint, framing open space the size recommended by the Sector Plan (one-half acre), and activating it with fronting retail and restaurants.

The Application proposes two blocks anticipated to be implemented in two phases of redevelopment. The first phase would begin in the near to mid-term (three to ten years) and the second phase would likely follow at a minimum of three years after the first phase is open and occupied. Phase 1 is a wood-podium concept with ground floor retail facing Rockville Pike that could accommodate up to a retail junior anchor tenant of approximately 35,000 square feet, or multiple tenants. Residential units would be above the retail and at-grade on the Chapman Avenue side of the Project. Parking is accessed from the Rollins Avenue Extension (Street A), running east-west through the center of the Project. Retail parking is located on-grade and one level below-grade, with residential parking on the above-grade levels of the structured parking garage. Loading for retail and residents is located internal to the block out of view from public spaces. Access to loading areas is from the Rollins Avenue Extension (Street A) and exiting onto Bou Avenue. During this phase, the remainder of the existing shopping center will remain as well as the existing surface parking lot.

Phase 2 is a high-rise Type I construction tower and parking garage that utilizes the remainder of the parcel, after reserving a minimum of one-half acre for the Neighborhood Green open space, per the Sector Plan, and connected roadways. Loading and parking access for the retail and residential would be from the Rollins Avenue Extension (Street A). An exclusive service exit is provided onto Chapman Avenue at the north edge of the Property line to reduce internal turning and vehicular conflicts. The building's massing is prioritized towards Rockville Pike and fronting the Neighborhood Green and steps down toward Chapman Avenue.

The Project proposes a 24-foot setback on Rockville Pike to allow for the future street section's implementation. Per earlier discussions with Staff of the Maryland-National Capital Park and Planning Commission ("M-NCPPC"), no public utility easement has been included. Proposed building setbacks along Chapman Avenue and Bou Avenue provide adequate space for stoops and



Heather Dishopolsky
hdlhopolsky@wiregill.com
301-263-6275

front doors but also accommodate potential right-of-way dedications to satisfy requested bicycle facilities per the Sector Plan, 2018 Bicycle Master Plan, and 2021 Montgomery County Complete Streets. Chapman Avenue is increased by approximately 5 feet in right-of-way and Bou Avenue is increased by approximately 6 feet in right-of-way. The Rollins Avenue Extension (Street A) running east-west through the Project is a new private street with a 68-foot roadway parcel and minimum 75-foot building face to building face with two lanes and parallel parking on both sides, aligned with Rollins Avenue to the east across Chapman Avenue, and connecting with Rockville Pike on the west. Access from this new mid-block connection to Rockville Pike is anticipated to be a right-in and right-out only. The new Street B connects the existing light at Rockville Pike to the Rollins Avenue Extension (Street A) around the Neighborhood Green and is also a private street with two lanes and parallel parking on both sides.

The Neighborhood Green public open space, identified for the site by the Sector Plan, is a minimum of one-half acre along Rockville Pike and fronted by internal private streets and contained by mixed-use buildings on three sides. Locating the Neighborhood Green on Rockville Pike creates the opportunity for activation by the future retail tenants and visibility from the passing vehicular, pedestrian, and bicycle traffic. While designs have not been fully explored, we anticipate the space including a mix of passive and active areas such as movable seating and tables for use by any of the retail patrons or residents, shading elements, and a flexible lawn.

Stormwater Management and Forest Conservation

The Project will comply with the requirements of Chapter 19 of the Montgomery County Code. The Project will result in more than 5,000 square feet of disturbance and the Applicant will submit a Stormwater Management Concept Plan. In accordance with the 2010 MDE Stormwater Management Regulations, the site will incorporate bioretention planters and facilities to implement Environmental Site Design (“ESD”) practices to the maximum extent practicable. The Property is not in a Special Protection Area, so no separate water quality monitoring plan is required. A Sediment and Erosion Control Plan will be submitted to the Montgomery County Department of Permitting Services for approval prior to commencement of construction.



Heather Dlhopsky
hdlhopsky@wiregill.com
301-263-6275

The Property is subject to the requirements of Chapter 22A of the Montgomery County Code (the “Forest Conservation Law”). The Applicant previously obtained approval from M-NCPPC on November 16, 2023 for a Natural Resources Inventory, and has included a proposed Preliminary Forest Conservation Plan with this Application. There is no forest on site. However, there are three of four trees for which the Applicant will be submitting a variance request, due to disturbance to critical root zones. The afforestation obligation for this Project is anticipated to be met with off-site credits and/or fee-in-lieu.

III. COMPLIANCE WITH APPLICABLE REQUIREMENTS

The Application conforms to the standards and criteria for approval of a floating zone application pursuant to Article 59-5 of the Zoning Ordinance as follows:

Section 59-5.1.2. Intent Statement

- A. The application must be shown to implement comprehensive planning objectives by:*
 - 1. Furthering the goals of the general plan, applicable master plan, and functional master plan;*

The Property is located in the area subject to the White Flint 2 Sector Plan, approved and adopted in January 2018 by the Montgomery County Council. The Sector Plan locates the site in the Rockville Pike Montrose North District, and more specifically in “Area 5,” or Montrose Crossing. The Sector Plan states that Pike Center has “the potential to serve as a major mixed-use destination along Rockville Pike,” but recognizes that “[e]xisting long-term commercial leases ... will likely influence the pace of ... redevelopment.” (p. 44) It is due to this accurate recognition that the Applicant anticipated that build-out of the Project will be phased over several years.

The Sector Plan also notes that new, mixed-use redevelopment is appropriate since the site is proximate to the White Flint (now, North Bethesda) and Twinbrook metro stations. (pp. 44-45) The Sector Plan calls for additional street connections in Pike Center to improve vehicular and pedestrian circulation as well as a half-acre Neighborhood Green, and recommends rezoning of the Property to its now current zoning “to promote mixed-use development along Rockville Pike and to contribute to the Sector Plan’s public benefits, including parks and housing options.” (pp.



Heather Dlhopsky
hdlhopolsky@wiregill.com
301-263-6275

44-45) The Project proposes additional street connections through the site as explained above and below, as well as incorporates the half-acre Neighborhood Green. The Sector Plan also calls for undergrounding of utilities (p. 104), which the Applicant plans to do with the exception of the Rockville Pike frontage, as M-NCPPC Staff have confirmed that this requirement does not pertain to that frontage.

Regarding the Sector Plan's roadway and bikeway recommendations, these have in some cases been superseded and/or refined by the subsequent 2018 Bicycle Master Plan, 2021 Montgomery County Complete Streets Design Guide, and 2021 Advancing the Pike District Streetscape Guidelines. The Applicant has met with agency staff, including the Montgomery County Department of Permitting Services ("MCDPS"), Montgomery County Department of Transportation ("MCDOT"), M-NCPPC, City of Rockville, and the State Highway Administration ("SHA") to solidify direction on the three frontages and internal street sections. The plan advances the network of Complete Streets and bicycle connectivity through a set of proposed roadway improvements within the right-of-way, complying with dimensionality recommendations and included elements. Based on limited right-of-way to the north of the Project site and the need to accommodate the existing double left turn lanes from westbound Twinbrook Parkway to southbound Chapman Avenue, no changes to the existing lanes on Chapman Avenue are proposed with this Application. An additional 5 feet of right-of-way dedication will be provided on Chapman Avenue along the site frontage to realize the Sector Plan recommended 80-foot width that would not preclude the implementation of separated bike lanes in the future. Pedestrians and cyclists will be accommodated via a new 10-foot side path along the Project side of Chapman Avenue. Bou Avenue will provide an additional 6 feet of dedication to incorporate a 10-foot side path and potential parallel parking on the Project side of the roadway between Chapman Avenue and the Building A garage entry. Rockville Pike will add 15 feet of right-of-way dedication to provide the required half of the recommended 164-foot Sector Plan section, and implement an 8-foot bike path and an 8-foot sidewalk with buffer in an interim condition until SHA builds the ultimate design with bus rapid transit. Internal streets to this new neighborhood will have shared streets with vehicles and bicycles, parallel parking, and 7 feet of area for proposed tree canopy.



Heather Dlhopsky
hdlhopsky@wiregill.com
301-263-6275

The Project also furthers the broader goals of the general plan for Montgomery County, Thrive Montgomery 2050, approved and adopted October 2022 (“Thrive”). Thrive cites urbanism as an organizing principle (pp. 21-22), and calls for focusing growth on a limited number of places and encouraging a mix of uses in such areas. Here, the Project is appropriately located on a major County corridor, Rockville Pike, where a number of uses are already co-located. The Project will help to provide an increased variety of housing types and commercial uses in this already diversified area.

Racial equity and social justice are overarching objectives of Thrive, and Thrive’s housing goals focus on “a strategy to significantly increase housing production, striving to increase housing density along major corridors and in Complete Communities across the county.” (p. 49) The Project proposes up to 760 new residential units, 15% of which will be MPDUs, significantly increasing density along one of the most major corridors in the County, in furtherance of this goal. In seeking to address environmental health and resilience, another overarching objective of Thrive, Thrive supports “the well-established ‘smart growth’ strategy of creating dense, compact development with mixed uses, served by transportation infrastructure and design approaches that encourage walking and biking and transit use, concentrated in areas where existing infrastructure can support additional development while minimizing environmental impacts.” (p. 57) Again, the Project furthers this goal by densifying an area that is already proximate to two Metro Stations, and encouraging walking and bicycling through the numerous frontage improvements and interconnected new street system through the Property. Thrive also recognizes that Montgomery County has an insufficient supply of housing (p. 124) and, again, this Project proposes significant new residential uses in an appropriate transit proximate location along one of the biggest growth corridors in the County.

2. *Ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure in the general plan, applicable master plan, functional master plan staging, and applicable public facilities requirements; and*

The Application is in balance with existing and planned infrastructure in the area, as further explained in the Land Use Report included with the Application, and the Civil Engineering and Environmental Report to be included in the Applicant’s Pre-Hearing Submission. As



Heather Dlhopsky
hdlhopolsky@wiregill.com
301-263-6275

demonstrated in the Local Area Transportation Review study, prepared by Wells + Associates and dated July 19, 2024, the traffic generated by the Application will not exceed area capacity and will conform to the LATR Guidelines.

The Property is served by Walter Johnson High School, Tilden Middle School, and Farmland Elementary School. Per the recently adopted Growth and Infrastructure Policy FY 2025 School Test, all three school levels serving the Property currently have adequate capacity and are not subject to any Utilization Premium Payment.

3. *Allowing design flexibility to integrate development into circulation networks, land use patterns, and natural features within and connected to the property.*

The redevelopment transforms an existing suburban retail shopping center into a multi-block urban, mixed-use place. The existing site consists of low-rise commercial buildings surrounded by surface parking, without usable public open space or natural features. The proposed development layout incorporates the surrounding street network to create an urban destination with pedestrian-scaled blocks. The layout consists of two mixed-use blocks that frame and help activate the surrounding perimeter streets of Chapman Avenue, Bou Avenue, and Rockville Pike. At the center of the redevelopment is the Neighborhood Green. This public open space is framed on three sides by the proposed mixed-use blocks, with the fourth side open to Rockville Pike, allowing visibility into the redevelopment from the Pike. The Rollins Avenue Extension (Street A) and new Street B, both internal pedestrian-oriented streets, are an extension of the surrounding street network into a new urban place. These connected internal streets converge at the Neighborhood Green, providing pedestrian access from surrounding parcels to this public amenity. The proposed buildings are setback from surrounding streets to accommodate public right-of-way dedications that will enable the future expansion of transit, pedestrian, and bicycle infrastructure.

B. Encourage the appropriate use of land by:

1. *Providing flexible applicability to respond to changing economic, demographic, and planning trends that occur between comprehensive District or Sectional Map Amendments;*



Heather Dlhopsky
hdlhopolsky@wiregill.com
301-263-6275

The Application proposes the modest additional density needed, beyond what was recommended by the Sector Plan, to accommodate recent trends and developments in the construction industry. Specifically, permitting the additional 0.5 FAR of maximum density (“CR”) and additional 0.25 FAR of residential density (“R”), will result in a better project because it can be built with Type I concrete construction, placing more units, including MPDUs, wholly within easy walking distance of two Metrorail stations. Building B is a narrow block to accommodate the Neighborhood Green and the new Street B alignment with the existing intersection on Rockville Pike. The increased allowable density allows Building B to use Type I construction to grow the building vertically to overcome the horizontal constraint of the site while also delivering the desired features from the Sector Plan such as an active streetscape, mix of uses, and an urban frame around the Neighborhood Green.

2. *Allowing various uses, building types, and densities as determined by a property’s size and base zone to serve a diverse and evolving population; and*

Because the Sector Plan does not include a floating zone recommendation for the Property, Section 59-5.3.5.A.2 of the Zoning Ordinance establishes the applicable density limits, based on the pre-existing Euclidean zone. Based on the existing CR zoning and the fact that the Property is greater than 3 acres in tract area, total density of up to 8.0 FAR, with “C” or “R” density of up to 6.0 FAR, is permitted. The density requested by this Application is well within these limits. That said, given the size of the Property, significant density is achievable and appropriate given the Property’s easy walking distance to two Metrorail stations. The Project proposes a variety of uses, all allowed under the CR Zone, including multi-unit living, restaurants, offices, structured parking, and a variety of retail/service establishments, among others. The proposed building type is “multi use building,” allowing horizontal and vertical integration of uses which is also appropriate for a mixed-use, transit-proximate location.

3. *Ensuring that development satisfies basic sustainability requirements, including open space standards and environmental protection and mitigation.*

Approximately two-thirds of the Property today is covered with asphalt and surface parking. The proposed redevelopment of the Property will significantly reduce impervious cover on the site,

placing parking efficiently and environmentally within parking structures, and locating a half-acre Neighborhood Green on the site, as well as numerous landscaping and stormwater management features. The site today does not have any existing stormwater management, and all runoff goes directly into existing storm drain systems. The implementation of environmental site design will decrease runoff and temperatures and per Maryland regulations, decrease pollutants and sediment through adding quality control measures. Additional tree canopy and plantings, and heat reduction through solar reflectance measures, will greatly improve the heat island effect versus the existing site. The introduction of structured parking in place of the surface parking lots on site today also minimizes the amount of imperviousness for the proposed site condition.

C. Ensure protection of established neighborhoods by:

- 1. Establishing compatible relationships between new development and existing neighborhoods through limits on applicability, density, and uses;*

The proposed development is compatible with the land use, scale, and density of the existing urban context. Notably, there are no single-family residences located anywhere near the Property. As discussed, the Property is surrounded by existing commercial and retail uses, with the approximately 18-story condominium building, Midtown Bethesda North Condos, to the south of the Property, across Bou Avenue. While there are also lower density, existing multi-family buildings west of Rockville Pike, they are located west of the shopping centers fronting Rockville Pike so rather buffered from the Property by the shopping centers and Rockville Pike itself. The subject Property and all surrounding and nearby areas are zoned for significantly greater density and height than are currently developed and, given the age of the adjacent and surrounding commercial uses, it is likely that they will redevelop in time at a similar scale as that proposed by the Project.

- 2. Providing development standards and general compatibility standards to protect the character of adjacent neighborhoods; and*

There are no single-family neighborhoods adjacent, or even nearby, to the Property. The Property is surrounded by existing commercial and retail uses, as well as a high-rise condominium building. In that sense, the development proposed by the Application is compatible with the neighborhood of the Property as it exists today, as well as what adjacent sites could redevelop to under their

current zoning (i.e., very similar to what is proposed by the Project). The massing and expression of the two buildings will be similar in nature to recent urban, transit-oriented infill development along Rockville Pike. The mass and bulk of the buildings will provide a continuous mid-rise enclosure around the Neighborhood Green and internal streets. The ground level of the buildings will be crafted to animate the streetscape physically and visually. Commercial storefronts and residential lobbies with a high level of transparency and active programming will front the Neighborhood Green and Rockville Pike. Moving away from Rockville Pike towards Chapman Avenue, active storefront facades transition to residential stoops. Varied building heights offer visual interest at the skyline, with Building B projecting a taller height on the north side of the Neighborhood Green. Building B steps down in height to be compatible with Building A along the Rollins Avenue Extension (Street A) and Chapman Avenue. This scale change reinforces the transition from mixed-use to a more residential character.

3. *Allowing design flexibility to provide mitigation of any negative impacts found to be caused by the new use.*

In addition to the contextual and architectural compatibility described above, the proposed development works to mitigate any negative impacts to the overall site through streetscape and architectural design. Streetscape enhancements on Rockville Pike, Bou Avenue, and Chapman Avenue, as well as on the internal private streets, are organized to be compatible with the vision of neighborhood streets as described in the White Flint 2 Sector Plan and the Complete Street Design Guidelines. These standards will enhance pedestrian and bike infrastructure. The proposed continuous edge of street trees offers shade for human comfort, but also adds a visual rhythm and unifying edge in front of the diverse storefronts, stoops, and other building conditions. As surrounding parcels redevelop, the application of these street standards will help unify the larger neighborhood while prioritizing a more pedestrian and transit-oriented place.

This proposed half-acre Neighborhood Green provides shared recreation, amenity, and green space to support the increase in density and intensity of this urban development. The location of the Neighborhood Green on Rockville Pike enables this space to feel publicly accessible to the greater neighborhood.



Heather Dhopolsky
hdlhopolsky@wiregill.com
301-263-6275

Services, loading bays, and parking facilities are located internal to the block. Active building uses enclose these facilities, concealing them from the streetscape and public view. Access to both parking and services are limited to a few entrances and exits to minimize disturbance to the sidewalk network.

Section 59-5.1.3. Applicability

Pursuant to Section 59-5.1.3.C, if a floating zone is not recommended for a property in the applicable master plan, certain prerequisite conditions may need to be satisfied. However, here, because the Property is located in a non-residential base zone (CR), per Section 59-5.1.3.C.3, there are no prerequisites for the Application.

Division 5.3. Commercial/Residential Floating Zones

Section 5.3.2. Purpose. The purpose of the Commercial/Residential Floating zones is to: (A) allow development of mixed-use centers and communities at a range of densities and heights flexible enough to respond to various settings; (B) allow flexibility in uses for a site; and (C) provide mixed-use development that is compatible with adjacent development.

The Application satisfies all three of these purposes. It will allow redevelopment of what is currently a strip-type shopping center with vast amounts of asphalt and surface parking into a mixed-use development with appropriate density for such a transit-proximate site, a wide range of uses permitted by the CR Zone, and significant open space. As discussed throughout, the Project is compatible with adjacent development, as such is primarily comprised of commercial and retail uses with their own large areas of asphalt and surface parking (with an 18-story condominium building directly to the south), which under their current zoning could redevelop similar to what is now proposed for the Property by this Application.

Section 5.3.3. Land Uses

Section 59-5.3.3.A.3 of the Zoning Ordinance provides that only uses allowed in the CR Zone are permitted in the CRF Zone. Pursuant to Section 59-3.1.6 (Use Table), the CR Zone permits a wide range of uses, including multi-unit living, restaurants, offices, structured parking, and a variety of retail/service establishments, among others.

Section 5.3.4. Building Types Allowed



Heather Dlhopsky
hdlhopolsky@wiregill.com
301-263-6275

Section 59-5.3.4.A provides that any building type is allowed in the CR Floating zones. The Application proposes “multi use building” types, per the definitions in the Zoning Ordinance.

Section 5.3.5. Development Standards

A. Density

Because the Sector Plan does not include a floating zone recommendation for the Property, Section 59-5.3.5.A.2 establishes the applicable density limits, based on the pre-existing Euclidean zone. Based on the existing CR zoning and the fact that the Property is greater than 3 acres in tract area, total density of up to 8.0 FAR, with “C” or “R” density of up to 6.0 FAR, is permitted. The density requested by this Application is well within these limits.

B. Setback and Height

Section 59-5.3.5.B of the Zoning Ordinance provides that because a floating zone is not specifically recommended for the Property in the Sector Plan, setbacks from the site boundary and maximum height will be established by the floating zone plan itself. As shown on the plans, the proposed maximum height on the Property is 200 feet, while the maximum building height of the proposed new Building A will not exceed 90 feet and the maximum building height of the proposed new Building B will not exceed 200 feet. Because the Property does not “abut[s] or confront[s] a property in an Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zone that is vacant or improved with an agricultural or residential use,” the Project is not required to satisfy the height compatibility provisions of Section 59-4.1.8.B of the Zoning Ordinance. The plans included with the Application note the proposed setbacks from the Property boundary.

The northern edge of the Property is adjacent to properties located in the City of Rockville, and thus subject to the City’s zoning map and zoning ordinance. These properties are zoned MXTD (Mixed-Use Transit District). The MXTD Zone is one of the City’s most urban and flexible zones, and in that sense is fairly similar to the Property’s CR zoning. There are no development standards or height compatibility requirements that would pertain to the requested rezoning and subsequent development of the Property.

C. Lot Size



Section 59-5.3.5.C provides that minimum lot sizes will be established as part of the site plan review process. The Applicant will seek requisite regulatory approvals for the Project, including site plan(s), following final District Council action on this rezoning Application.

D. General Requirements

Section 59-5.3.5.D.1 of the Zoning Ordinance states that parking, recreation facilities, screening, and landscaping must be provided under Article 59-6 as required for the Euclidean zone that establishes uses under Section 59-5.3.3. Therefore, the Project will be required to comply with the CR Zone requirements for these categories. As shown on the plans included with the Application, the Project will comply with parking requirements (Division 59-6.2), recreation facility requirements (Division 59-6.3), general landscaping and outdoor lighting requirements (Division 59-6.4), and screening requirements (Division 59-6.5). With regard to retail and residential loading and trash, these facilities are proposed to be contained internal to each building. Trash and deliveries will use a shared internal access drive to access loading and trash rooms, to minimize the quantity of necessary curb-cuts and service bays on public streets. The Neighborhood Green, per the Sector Plan, will provide open space for visitors and residents. All of these aspects and features will be further detailed at the time of Site Plan application(s).

Further, Section 59-5.3.5.D.2 provides that if public benefits are required under Section 59-5.3.5.E, as is the case here, open space must be provided under Section 59-4.5.4.B.1 (for optional method) as required for the Euclidean zone that establishes uses under Section 59-5.3.3 (again, in this case, the CR Zone). Because the Property is comprised of over 6 acres and fronts on three rights-of-way (Rockville Pike, Chapman Avenue, Bou Avenue), Section 59-4.5.4.B.1 requires that 10% of the site be provided as open space. The Application proposes 15% of the site as open space, in satisfaction of this requirement.

E. Public Benefits

Section 59-5.3.5.E of the Zoning Ordinance states that public benefits are required for development above the greater of 0.5 FAR or 10,000 square feet of gross floor area for a project in the CRF Zone. The Project proposes an FAR of 2.5, and therefore public benefit points are required. The manner in which the Applicant plans to satisfy the public benefit points requirements



Heather Dlhopsky
hdlhopolsky@wiregill.com
301-263-6275

is shown on the Floating Zone Concept Plan included with this Application. At this time, the Applicant anticipates achieving public benefit points in the following categories: transit proximity, connectivity and mobility (minimum parking, public parking, and trip mitigation), diversity of uses and activities (enhanced accessibility for the disabled, affordable housing, small business opportunities), quality building and site design (exceptional design, public open space, structured parking, tower step-back), and protection and enhancement of the natural environment (building lot termination, cool roof). Note that the final public benefit point categories, points, and specific manner in which this requirement will be satisfied will be detailed and finalized at the time of the subsequent Sketch Plan and Site Plan application(s) for the Property.

Section 59-7.2.1.E. Necessary Findings

1. *For a Floating zone application the District Council must find that the floating zone plan will:*

(a) *substantially conform with the recommendations of the applicable master plan, general plan, and other applicable County plans;*

The Application substantially conforms to the recommendations of the Sector Plan, as discussed above.

(b) *further the public interest;*

The Property is currently developed with an aging and functionally obsolete strip-type shopping center. Given the site's proximity to two Metrorail stations within easy walking distance, and location right on Rockville Pike, the Property could be far better utilized from a use, density, and function perspective. This Application would allow redevelopment of the Property with a mix of uses at densities and heights appropriate to the area, and called for by the Sector Plan. In addition, three right-of-way frontages will be improved, and the Sector Plan's desire for a half-acre Neighborhood Green and additional street connections within the site will also be fulfilled.

(c) *satisfy the intent and standards of the proposed zone and, to the extent the Hearing Examiner finds it necessary to ensure compatibility, meet other applicable requirements of this Chapter;*

As detailed above, the Application satisfies the intent, purposes, and standards of the proposed zone and rezoning requirements.



Heather Dlhopsky
hdlhopolsky@wiregill.com
301-263-6275

(d) *be compatible with existing and approved adjacent development;*

As described above, the Project is compatible with existing and approved adjacent development. Notably, there are no single-family residences located anywhere near the Property nor even any residentially zoned land (the closest residential zone is located behind the shopping centers opposite Rockville Pike from the Property). The Property is surrounded by existing commercial and retail uses, with the approximately 18-story condominium building, Midtown Bethesda North Condos, to the south of the Property, across Bou Avenue. The subject Property and all surrounding and nearby areas are zoned for significantly greater density and height than are currently developed and, given the age of the adjacent and surrounding commercial uses, it is likely that they will redevelop in time at a similar scale as that proposed by the Project.

(e) *generate traffic that does not exceed the critical lane volume or volume/capacity ratio standard as applicable under the Planning Board's LATR Guidelines, or, if traffic exceeds the applicable standard, that the applicant demonstrate an ability to mitigate such adverse impacts; and*

As detailed in the Local Area Transportation Review study included with the Application, the traffic generated by the Application will not exceed area capacity and will conform to the LATR Guidelines. The Application for the proposed redevelopment of Pike Center also incorporates design guidance to meet the County's Complete Streets standards and Vision Zero goals. The layout of the site will provide connections for various modes of transportation to the surrounding transportation infrastructure.

The Application introduces the Rollins Avenue Extension (Street A) through the site, extending Rollins Avenue at Chapman Avenue to Rockville Pike. This east-west street breaks the block, allowing bicyclists, pedestrians, and vehicles through the site to access the residential and retail uses. The intersection with Rockville Pike, located between Bou Avenue and the signalized access for Federal Plaza and the new Street B (Pike Center), will be right-in/right-out movements only. The new Street B extending from the traffic signal will intersect the Rollins Avenue Extension (Street A), creating a grid within the site. Sidewalks and on-street parking are planned along both streets. The on-street parking spaces provide an opportunity for short-term use, i.e., delivery and pick-up and drop-off activity.



Heather Dlhopsky
hdlhopsky@wiregill.com
301-263-6275

Parking is accessed from the Rollins Avenue Extension (Street A), running east-west through the center of the Project. Retail parking is located on-grade and one level below-grade, with residential parking on the above-grade levels of the structured parking garage. Loading for retail and residents is located internal to the block out of view from public spaces. Access to loading areas is from the Rollins Avenue Extension (Street A) and exiting onto Bou Avenue. An exclusive service exit is provided onto Chapman Avenue at the north edge of the Property line to reduce internal turning and vehicular conflicts.

As shown on the Road Sections exhibit included with the Application, the frontages along Chapman Avenue, Bou Ave, and Rockville Pike will provide appropriate facilities for bicycles, pedestrians, vehicles, and bus riders. The frontage improvements are in conformance with the Complete Street guidelines and the Bicycle Master Plan.

Based on trip generation calculations for the proposed and existing uses, the redevelopment will add person trips and vehicle trips to the adjacent road network. The impact of the increases will be evaluated during the Preliminary Plan of Subdivision review process. Based on a development program of 760 multi-family dwelling units and 90,000 square feet of retail, compared to the existing retail uses comprised of 81,007 square feet, the redevelopment will add 612 AM peak hour person trips and 936 PM peak hour person trips and 324 AM peak hour vehicle and 492 PM peak hour vehicle trips to the transportation system.

(f) when applying a non-Residential Floating zone to a property previously under a Residential Detached zone, not adversely affect the character of the surrounding neighborhood.

This section is not applicable to the Application, as the existing zoning is not Residential Detached.

IV. SUMMARY OF PROOF

The Applicant anticipates that the following witnesses will appear at the Hearing Examiner public hearing:

(a) Gregory Reed or Abbey Oklak, representatives of the Applicant, will testify with respect to the existing conditions at the Property, market demands, and the need for redevelopment of the



Heather Dlhopsky
hdlhopolsky@wiregill.com
301-263-6275

aging strip shopping center into a mixed-use, transit-proximate development. A copy of their resumes is included with this Application.

(b) Miguel Iraola will testify as an expert in land planning. Mr. Iraola has testified as an expert land planner before the Hearing Examiner previously. A copy of Mr. Iraola's resume is included with the Application. Mr. Iraola will address the propriety of the CRF Zone for the Property and will also address conformance of the Application with the Sector Plan and the Zoning Ordinance. Mr. Iraola's analysis and conclusions that the Application satisfies requisite standards of the Zoning Ordinance and is in conformance with the Sector Plan are included in the Land Use Report included with this Application.

(c) Mark Morelock will testify as an expert in civil engineering. Mr. Morelock has testified as an expert in civil engineering before the Hearing Examiner previously. A copy of Mr. Morelock's resume is included with the Application. Mr. Morelock will address engineering matters related to the Application, including utility adequacy and design and the effect the Application will have on adjacent properties and the surrounding area, as further discussed in the Civil Engineering and Environmental Report to be included in the Applicant's Pre-Hearing Submission.

(d) Matthew Fitzsimmons will testify as an expert in architecture. Mr. Fitzsimmons has testified as an expert in architecture before other hearing bodies in the Washington, DC area, though not previously before the Hearing Examiner. A copy of Mr. Fitzsimmons' resume is included with the Application. Mr. Fitzsimmons will provide expert testimony relating to the proposed Project's architecture and compatibility thereof with the surrounding neighborhood.

(e) Michael J. Workosky will testify as an expert in transportation planning/engineering concerning the transportation impacts of the Application. Mr. Workosky has testified as an expert transportation planner before the Hearing Examiner previously. A copy of Mr. Workosky's resume is included with this Application. His conclusion that the Application will not have an adverse impact on area traffic is included in the Local Area Transportation Review study included with the Application.







































Heather Dlhopsky
hdlhopolsky@wiregill.com
301-263-6275

In addition to the foregoing, the Applicant reserves the right to call additional witnesses and submit such other reports and exhibits as they deem necessary.

The Applicant anticipates it will take approximately three hours to present their case-in-chief.

In support of the Application, the Applicant includes with this submission the following plans and materials:

-  000_Fee-Schedule-January-2024.pdf
-  000_Pike Center Transmittal.pdf
-  001a_Pike Center LMA_Application.pdf
-  001b_Pike Center Declaration of Covenants.pdf
-  002_disclosure statement.pdf
-  003_Pike Center SOJ.pdf
-  004_Pike Center ACPO.pdf
-  004_Pike Center ACPO.xlsx
-  005_Pike Center Certified Zoning.pdf
-  006_Pike Center ID Plat.pdf
-  007_Record Plat 6708.pdf
-  008_Pike Center FZP-02.pdf
-  009_Existing Conditions.pdf
-  010_Pike Center Surrounding Area Plan.pdf
-  011_Pike Center LATR Report.pdf
-  012_Pike Center_LandUseReport.pdf
-  013a_420240570.pdf
-  013b_420240570.pdf
-  014_PFCP-F20240990-001.pdf
-  014_PFCP-F20240990-002.pdf
-  014_PFCP-F20240990-003.pdf
-  015_Pike Center Circulation.pdf
-  016_Pike Center Grading & utility.pdf
-  017_Pike Center Open Space.pdf
-  018_Pike Center Recreation.pdf
-  019_Pike Center Road Sections.pdf
-  020_Pike Center Fire Access.pdf
-  021_Pike Center Arch Concept Floor Plans.pdf
-  022_Pike Center Concept Massing.pdf
-  023_Pike Center Concept Sections.pdf
-  024_Resume Abbey L Oklak.pdf
-  025_Resume Gregory H Reed.pdf
-  026_Resume Mark Morelock.pdf
-  027_Resume Miguel Iraola.pdf
-  028_Resume Matthew Fitzsimmons.pdf
-  030_Resume Mike Workosky.pdf

We respectfully request that you schedule this Application for public hearing at the earliest available time. We appreciate your cooperation, and look forward to presenting this matter during



Heather Dlhopsky
hdlhopolsky@wiregill.com
301-263-6275

the ensuing public hearing processes. If you have any questions, or if additional materials are required to complete this Application package, please do not hesitate to contact the undersigned.

Thank you.

Respectfully submitted,
Wire Gill LLP

By: Heather Dlhopsky
Heather Dlhopsky
4800 Hampden Lane, Suite 200
Bethesda, Maryland 20814
(301) 263-6275
Attorney for Applicant