

LINOWES
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ATTORNEYS AT LAW

November 3, 2011

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By Hand

RCUD NOV3 2011 PM4:17

Mr. Scott Ullery
City Manager
City of Rockville
111 Maryland Avenue, 2nd Floor
Rockville, Maryland 20850

Re: Proposed Zoning Text Amendment to the PD-RCI, PD-TS, and PD-MC Zones – Federal Realty Investment Trust

Dear Mr. Ullery:

Our client, Federal Realty Investment Trust, files this Application for Zoning Text Amendment (the “Application” or “Text Amendment”) to modify the provisions regulating the PD-RCI (Rockville Center, Inc.), PD-TS (Town Square), and PD-MC (Metro Center) Zones, which are respectively located at Sections 25.14.29, 25.14.31, and 25.14.33 of Chapter 25 of the Rockville City Code (the “Zoning Ordinance”). This Application proposes to amend the regulations affecting signage in the PD-RCI, PD-TS, and PD-MC Zones to permit the placement of certain signs currently prohibited under existing signage regulations applicable to Rockville Town Square, the Rockville Metro Plaza property and the County owned building located at 255 Rockville Pike.

The purpose of this Application is to increase the visibility of Rockville Town Square to those using the surrounding major arterial roadways, create interest in and excitement for Rockville Town Square’s services, and improve wayfinding both within and outside the Rockville Town Square project. Due to the location of Rockville Town Square in relation to its surroundings and the existing signage restrictions, a large segment of the public traveling through Rockville on Hungerford Drive (MD 355) and North Washington Street may be unfamiliar with and unaware of its diverse offerings and tenants. Additionally, those residents familiar with the general location of Rockville Town Center would benefit from better signage to improve access to the many offerings available in Rockville Town Square. Therefore, we believe that the enhanced signage allowed by the Text Amendment would improve Rockville Town Square’s connection to its environs and increase awareness of the project. In summary, the modifications requested by the Application would enhance the public’s activity, pique interest in the tenants and uses of Rockville Town Square, and facilitate the economic vibrancy of the Rockville Town Square project.

**L&B 1606676v1/07089.0075



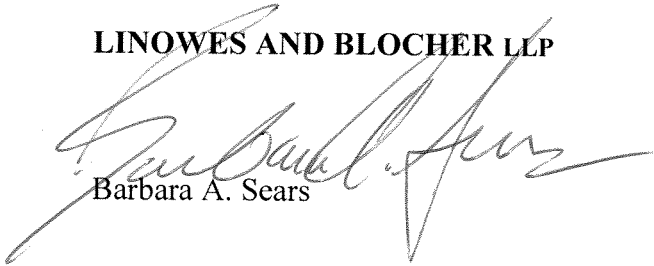
Mr. Scott Ullery
November 3, 2011
Page 2

The Application addresses the needs outlined above by allowing signage in the PD-RCI, PD-TS, and PD-MC Zones appropriate in scale for a large mixed-use development such as Rockville Town Square. This includes off-premises signs and signs extending above the roofs of buildings exceeding one percent of the building height, both of which are prohibited under current signage regulations. Additionally, the Application also amends the applicable number, height, and area restrictions for freestanding signs. Accordingly, we have attached as Exhibit "A" the proposed form of the Zoning Text Amendment to accomplish these goals.

Thank you for your attention to this matter. Should you have any questions, please feel free to contact me.

Very truly yours,

LINOWES AND BLOCHER LLP


Barbara A. Sears

Attachment

cc: Jim Wasilak
Deane Mellander
Marcy Waxman
Robin McBride
Rick Cataffa
Phillip Hummel, Esq.



Application for **Text Amendment**

TXT
2/09

City of Rockville
Department of Community Planning and Development Services

111 Maryland Avenue, Rockville, Maryland 20850
Phone: 240-314-8200 • **Fax:** 240-314-8210 • **E-mail:** Cpds@rockvillemd.gov • **Web site:** www.rockvillemd.gov

Application Information:

Is this an Amendment to Existing Text ? YES NO
Add New Zone Classes: YES NO **Add New Uses:** YES NO
Number of new uses: _____ Ordinance # _____

Please Print Clearly or Type

Property Address information Rockville Town Square

Project Description Rockville Town Square development located in PD-TS Zone and bounded by Beall Avenue to the north, North Washington Street to the west, Middle Lane to the south, and MD 355 (Rockville Pike/Hungerford Drive) to the east

Applicant Information:

Please supply Name, Address, Phone Number and E-mail Address

Applicant Robin McBride, Federal Realty Investment Trust, 1626 East Jefferson Street, Rockville, MD 20852, 301-988-8332, rmcbride@federalrealty.com

Property Owner Street Retail, Inc., c/o Federal Realty Investment Trust, 1626 East Jefferson Street, Rockville, MD 20852, 301-988-8332, rmcbride@federalrealty.com

Architect _____

Engineer _____

Attorney Barbara A. Sears, Linowes and Blocher LLP, 7200 Wisconsin Avenue, Suite 800, Bethesda, MD 20814, 301-961-5157, bsears@linowes-law.com

STAFF USE ONLY

Application Acceptance:

Application # _____
Date Accepted _____
Staff Contact _____

OR

Application Intake:


Date Received _____
Reviewed by _____
Date of Checklist Review _____
Deemed Complete: Yes No

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

Page 16-17 Article 14(Special Zones) Section 25.14.31, 25.14.33 , 25.14.29

FROM: Which reads as follows See attached letter

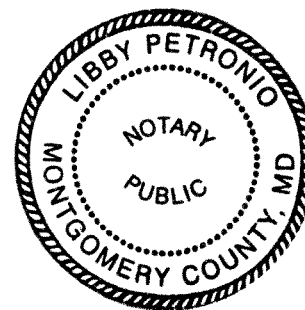
TO: Reads as follows See attached letter

By: 
(Signature of Applicant)

Subscribed and sworn before this 8th day of September, 20 11

My Commission Expires 1/22/15
Notary Public

LIBBY PETRONIO
NOTARY PUBLIC STATE OF MARYLAND
COUNTY OF MONTGOMERY
My Commission Expires January 22, 2015



The following documents are furnished as part of the application:

- A Complete Application
- Filing Fee

Comments on Submittal: (For Staff Use Only)

April 25, 2012

ATTACHMENT TO APPLICATION
TO THE CITY OF ROCKVILLE FOR A
TEXT AMENDMENT TO THE ZONING ORDINANCE

Applicant: Federal Realty Investment Trust

The applicant proposes to amend the zoning ordinance adopted on December 15, 2008, and with an effective date of March 16, 2009, by inserting and replacing the following text (underlining indicates text to be added; [brackets] indicate text to be deleted; * * * indicates text not affected by the proposed amendment). Further amendments may be made following citizen input, Planning Commission review and Mayor and Council review.

Amend Article 18, "Signs," by amending Section 25.18.18 of Chapter 25, "Zoning" as follows:

25.18.18 – Signs in Planned Development Zones

Except as otherwise provided in this Article, [S]signs in any of the Planned Development zones as set forth in Article 14 will be regulated based on the applicable designated equivalent zones described in each planned development.

- a. Specific Regulations for Signs in Planned Development Zones where the project was originally approved as a Preliminary Development Plan after January 1, 2000 and included land either owned by the City or purchased from the City:
 1. Notwithstanding the provisions of Article 18, the following is specifically permitted:
 - (a) One (1) sign extending above the roof of one building within a project covered by a preliminary development plan, not to exceed 15 percent of the building height.
 - (b) Freestanding Signs.
 - i. One (1) off-premises sign per record lot limited to 35 square feet of sign area and 25 feet in height.
 - ii. Eighteen (18) off-premises signs limited to four (4) square feet of sign area and ten (10) feet in height installed on existing light posts located on lots covered by and subject to a preliminary development plan.
 - iii. One (1) off-premises monument sign for way-finding located on a property that abuts the property of the Applicant and limited to 200 square feet of sign area and 40 feet in height. The abutting property must also be subject to a preliminary development plan approved after January 1, 2000. The

preliminary development plan for the property on which the sign is located must permit placement of the sign and is not subject to the land ownership provisions of subsection a above.