



# MONTGOMERY COUNTY PLANNING BOARD

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



## Staff Report: Site Plan Amendment 81998022C, Qiagen Campus– Germantown Business Park


**CONSENT ITEM #:** MCPB 09-76

**MCPB HEARING DATE:** July 23, 2009

**REPORT DATE:** July 10, 2009

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief   
Robert Kronenberg, Supervisor   
Development Review Division

**FROM:** Joshua Kaye, Senior Planner   
Development Review Division  
301.495.4658  
Joshua.Kaye@MNCPPC-MC.org

### APPLICATION DESCRIPTION:

Request to construct a “temporary” parking lot on lot 1 to be used during the construction of a 2-level parking deck; several building additions (building #8, 4A, 3A, and 2A), landscape changes, additional mechanical equipment, reconfiguration of the entrance drive and other improvements necessary to provide adequate fire and rescue accessibility around the building; located at the intersection of MD 118 & Dawson Farm Road.; Germantown.

**APPLICANT:** Qiagen Sciences, Inc.

**FILING DATE:** April 13, 2009

**RECOMMENDATION:** Approval of the site plan amendment and adoption of the draft resolution.

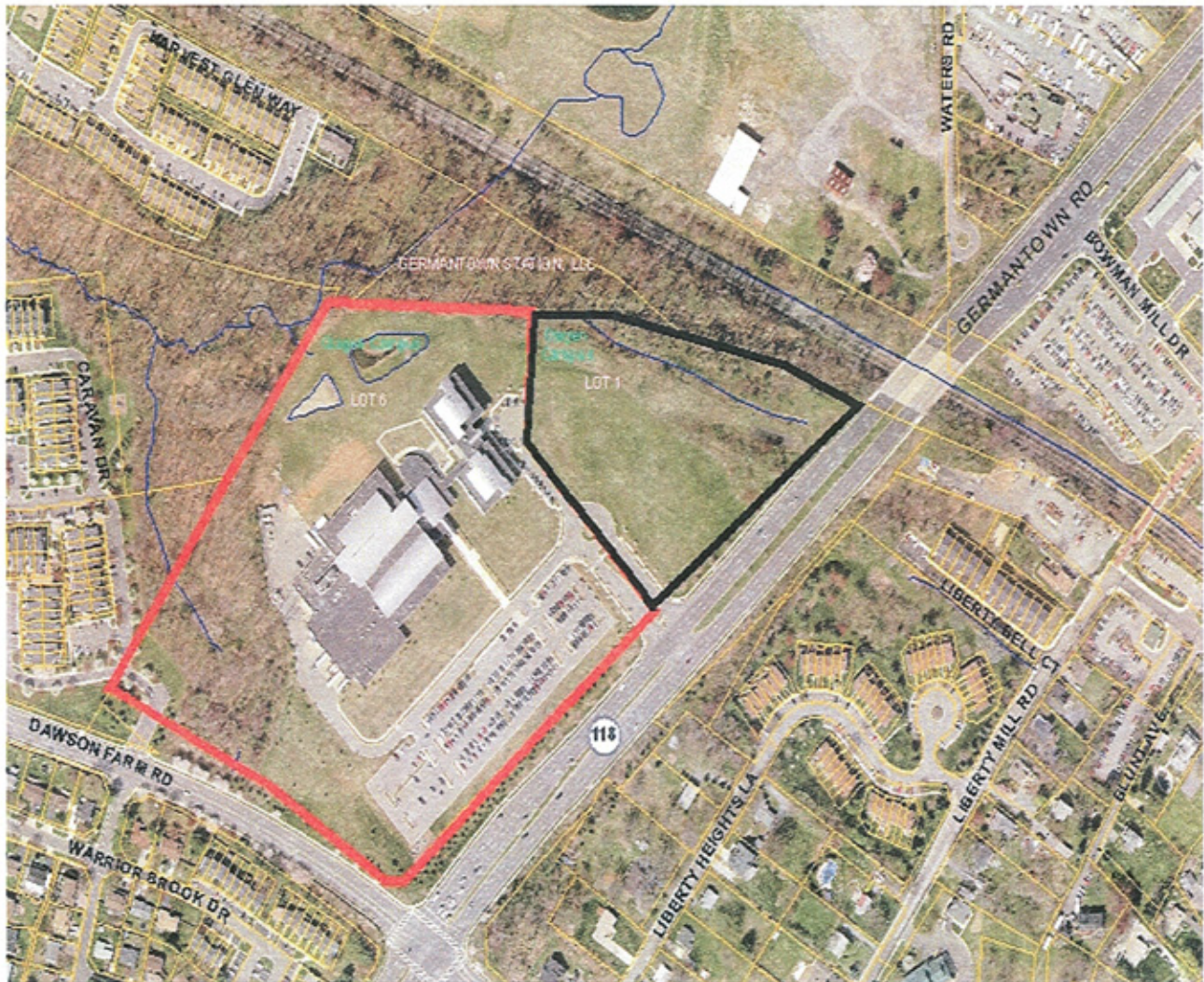
### EXECUTIVE SUMMARY:

The Applicant desires to build additional phases of its development plan and amend the timing of other improvements currently approved under the previous amendment. The maximum permitted floor area remains the same, no setbacks or other development standards are being amended. Property is 24.33 acres, of which 7.63 acres is located in the I-1 zone and 16.7 acres in the OM zone.

**SITE DESCRIPTION:**

Vicinity

The subject site is located in the Germantown Business Park, at the NW intersection of MD 118 and Dawson Farm Rd. The property is within the Germantown Master Planning area. The CSX Railroad is located to the northeast and wooded stream valleys separate several dense residential neighborhoods to the north and west of the property.



*Vicinity Map*

**SITE ANALYSIS:**

The subject site is currently improved per Site Plan 81998022B with a research & development business center and is encumbered by several easements. No known environmental features, with the exception of stream valley buffers, or rare, threatened, or endangered species exist on the property. There are no known historic properties or features on site.

## **PROJECT DESCRIPTION:**

### Development Plan

On May 24, 1990 the Planning Board recommended approval of the zoning case and schematic development plan for the property, Zoning Case #G-662. The County Council approved the case on September 25, 1990, for reclassification from the R-200 zone to the O-M zone. A schematic development plan was approved for the property with binding elements pertaining to coverage, FAR, green area, parking setbacks, building setbacks and building height, all of which are reflected on the site plan data table.

### Preliminary Plan

The Planning Board approved the preliminary plan of subdivision for the property (Preliminary Plan #1-81142), on July 28, 1981 with the following conditions:

1. Limit development to 37,000 square feet of office use generating no more than 150 employees. Prior to receiving any building permits, all road improvements as outlined in 11/6/89 Transportation Division memo must be under construction;
2. Dedicate Route 118 for 150' right-of-way and A-254 for an 80' right-of-way;
3. No direct access to Route 118; and
4. Necessary easements.

On August 29, 1994 the Planning Board Opinion approved an amendment to the Preliminary Plan allowing development to a maximum of 400,000 square feet of office use, generating no more than 1,600 employees (676 new trips).

On March 27, 1997, the Planning Board approved a second amendment to the Preliminary Plan of subdivision for the property, with the following conditions:

- 1) All previous conditions of preliminary plan approval contained in the Planning Board's opinion dated August 29, 1994 remain in full force and effect;
- 2) Record plats for this large-scale employment project may be recorded in stages that allow for an additional period for the preliminary plan based on the following phases:

Phase 1: Includes 168,000 square feet located within the I-1 zoned area to be recorded by October 1998;

Phase II: Includes the remaining 232,000 square feet located within the O-M zoned area to be recorded by October 2001.

**Preliminary Plan #1-81142R** was amended on January 20, 2000 with the conditions of approval as follows:

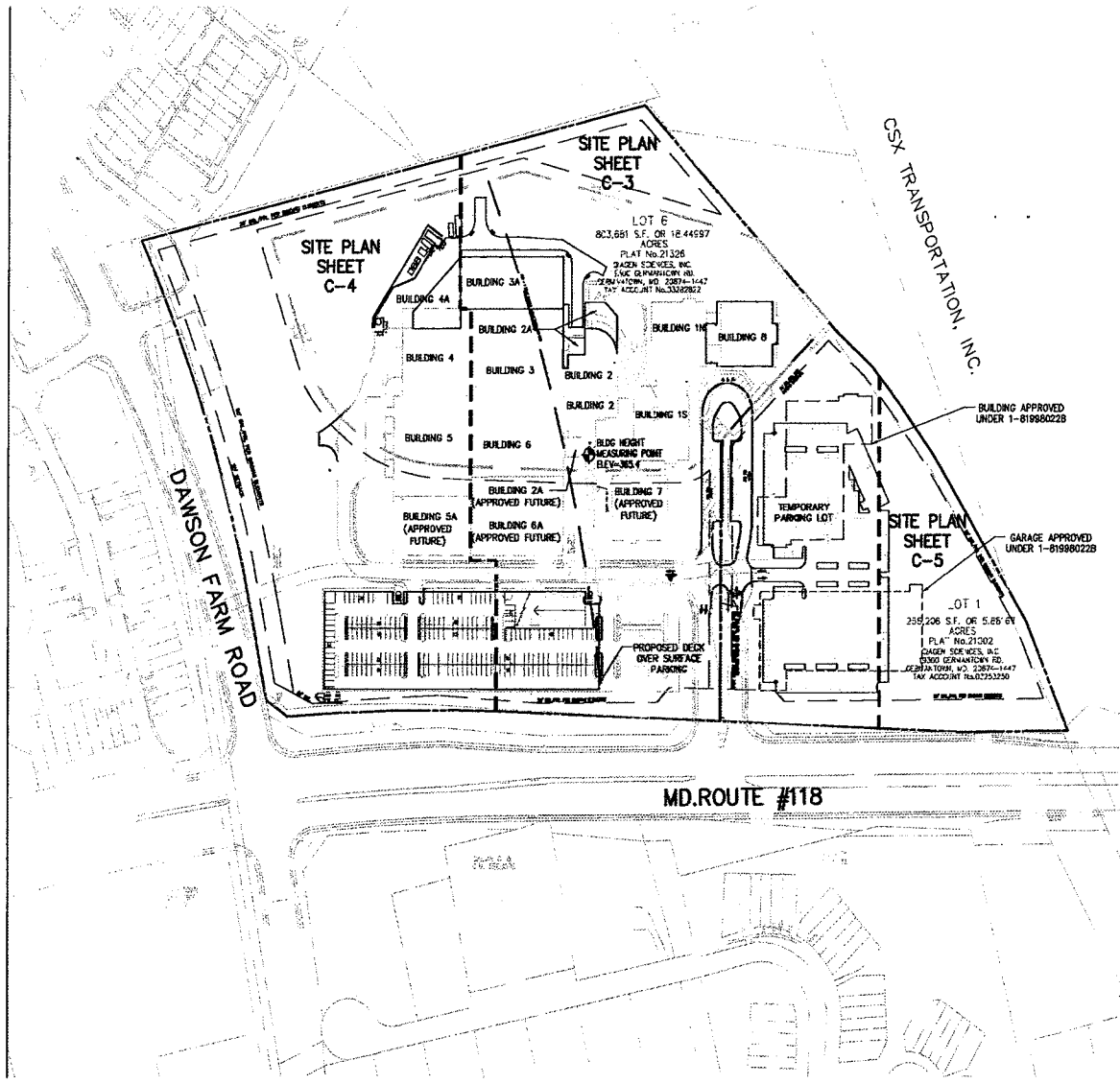
1. Limit the preliminary plan revisions for Lots #2, #3, #4, #5 and New Lot #6 approval to a maximum of 130,000 square feet of R&D office, 100,000 square feet of manufacturing and 100,000 square feet of warehouse for a cumulative total not to exceed 300,000 square feet;
2. Compliance with the conditions of re-approval of the preliminary forest conservation plan. The applicant must meet all conditions prior to recording the record plat or MCDPS issuance of sediment and erosion control permit, as appropriate;
3. Final landscape, lighting and parking facilities plan to be reviewed and approved with site plan;
4. No clearing, grading or recording of plat prior to site plan approval;
5. Conditions of MCDPS storm water management approval dated 1-4-00;
6. Access and improvements, as required, to be approved by MDSHA prior to issuance of record plat;
7. All applicable preliminary plan conditions contained in the Planning Board opinion dated August 29, 1994 remain in full force and effect; and
8. This Preliminary Plan will remain valid until March 24, 2003 (37 months from date of mailing which is February 24, 2000). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed.

**Site Plans #819980220, 81998022A and 81998022B**

The first site plan for the site was approved on March 12, 1998 for an office park. The plans were never built. Qiagen submitted an amendment to create a new design for their campus. The Planning Board approved that site plan on January 20, 2000. A schematic diagram on the next page illustrates the existing and proposed development program.

**CONFORMANCE TO CONDITIONS OF APPROVAL:**

The proposed development must comply with the conditions of approval for Site Plan 81998022B, except as modified herein.



*Amendment Illustration*

**DESCRIPTION OF CURRENT AMENDMENT:**

The Applicant requests the following modifications to the Site Plan:

1. Provide a temporary parking lot on Lot 1 to be used during construction of the parking deck over the existing surface parking lot on Lot 6. Note: The structured parking deck on Lot 6 will be built smaller than what was originally approved;
2. Provide an existing conditions plan to update the file for the landscape changes that have occurred since the original signature set;
3. Modify the development table for changes in square footage to previously approved improvements in both phases (not to exceed 300,000 square feet);
4. Add generator, refrigeration, fuel tanks and other equipment at the rear of existing Building 4 and extend paving to them, as well as provide a fire truck turn-around and additional area for turn-around at the loading dock;

5. Add electrical transformers and switches between the berm along MD 118 and parking facility;
6. Provide entrance drive improvements and additional sidewalk for pedestrian connectivity;
7. Restripe the existing surface parking lot to reduce the number of handicap spaces to the required 5 spaces;
8. Complete building additions #8, 2A, 3A, and 4A;
9. Provide lighting for all new parking areas; and
10. Install landscape improvements to the parking areas, berm on Lot 1 and surrounding the picnic area behind building 2A.

**PUBLIC NOTICE:**

A notice regarding the subject amendment was sent to all parties of record by the Applicant on May 7, 2009. The notice gave interested parties 15 days to review and comment on the amended site plan per Montgomery County Zoning Ordinance Section 59-D-3.7. Staff received only one inquiry regarding the proposed amendment, which came from the owners of Germantown Station, LLC who brought back an "older" issue of ingress/egress to their property. A response was drafted in a letter dated 5-19-09 by Mr. William Kominers with Holland & Knight. Subsequently, after receiving the letter from Mr. Kominers, Germantown Station, LLC rescinded their position.

**STAFF RECOMMENDATION:**

The proposed modifications to the site plan will not alter the overall character or impact of the development with respect to the original findings of approval. The building additions and parking structures are being constructed within the limits of the original approval and provide for the full build-out of the campus. The modifications including the landscaping, service areas, circulation, lighting, and utilities are necessitated by the building additions and construction technology. Further, these modifications will not affect the compatibility of the development with respect to the surrounding neighborhood. Staff recommends approval of Site Plan Amendment 81998022C. A revised storm water management concept letter was approved on July 8, 2009.

**APPENDICES:**

- A. Draft Planning Board Resolution;
- B. Germantown Station, LLC response memo



MCPB No. 09-76

Site Plan No. 81998022C

Project Name: Qiagen Campus @ Germantown Business Park

Hearing Date: July 23, 2009

### DRAFT RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on April 13, 2009, Qiagen Sciences ("Applicant"), filed a site plan amendment application designated Site Plan No. 81998022C ("Amendment") for approval of the following modifications:

1. Add temporary parking lot
2. Redistribute uses in phase II (building additions)
3. Landscape changes
4. Add mechanical equipment
5. Reconfigure entrance drive
6. Re-stripe existing handicap spaces
7. Provide fire access at rear of building

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated July 10, 2009 setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on July 23, 2009, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing"); and

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves the Site Plan No. 81998022C.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

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Approved as to  
Legal Sufficiency:

\_\_\_\_\_   
M-NCPPC Legal Department

BE IT FURTHER RESOLVED, that this Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this written resolution is \_\_\_\_\_ (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, with Commissioners \_\_\_\_\_ (list) voting in favor of the motion, with Commissioner(s) \_\_\_\_\_ (list) dissenting, Commissioner(s) \_\_\_\_\_ (list) abstaining, Commissioner(s) \_\_\_\_\_ (list) being absent or being temporarily absent, at its regular meeting held on Thursday, \_\_\_\_\_, 200.., in Silver Spring, Maryland.

JWK

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Approved as to  
Legal Sufficiency: \_\_\_\_\_  
M-NCPPC Legal Department



GERMANTOWN STATION LLC  
10020A Colesville Road  
Silver Spring, Maryland 20901  
301-681-6400

May 26, 2009

Dr. Royce Hanson, Chairman  
Montgomery County Planning Board  
The Maryland-National Capital Park  
and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Qiagen Germantown Campus- Site Plan Amendment No. 81998022C –  
Response to Letter from William Kominers dated May 19, 2009

Dear Dr. Hanson:

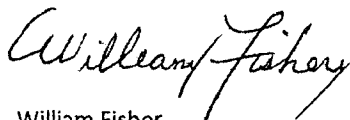
This letter is a response to the above referenced letter. Before we respond, we would like to say we have spoken with Lead Planner Joshua Kaye and had a constructive initial conversation. Mr. Kaye suggested several possibilities for us to recognize value for our property, which we are currently looking into.

In regards to Notice, the SDAT database may not recognize the Fisher Property, we understand and accept that. We know that the applicant, Qiagen is well aware of the fact that we have an adjacent property. Last summer (2008) we were contacted by Frank Graybeal, who identified himself as a broker with CB Richard Ellis and was doing work for Qiagen. At that time Mr. Graybeal asked us about our property and what our intent was for it. We did not hear from Mr. Graybeal again until the day Qiagen received our letter to the Board (May 6, 2009). The conversations with Mr. Graybeal have been mutually respectful. Qiagen could of mentioned our property to its engineer, but apparently they did not and an honest oversight was made. We have now been noticed and we do not have any problem with our Date of Notice being May 11, 2009.

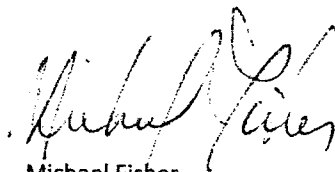
We had not given much thought in regards to our property until that contact last summer by Mr. Graybeal. It was not until we found out about Qiagen's application request that we realized why he may have contacted us and that this may be our last opportunity to obtain access to our property. This thinking is what initiated our May 5, 2009 letter.

In regards to Mr. Kominers letter, we have no problem with the facts, but at first glance we did take issue on his assumptions. We have felt that denying our property access to 118 has always been unilateral. After re-reading his letter, we see some inconsistency in our thinking. We would like to withdraw our request to be heard. Further, we feel that all approved plans for the Qiagen property accurately reflect that there is no easement to our property. We support the Qiagen plan and encourage the Planning Board to grant them their request. We do hope that for future Qiagen applications, they will provide us with proper Notice.

Sincerely,



William Fisher  
Partner



Michael Fisher  
Partner