



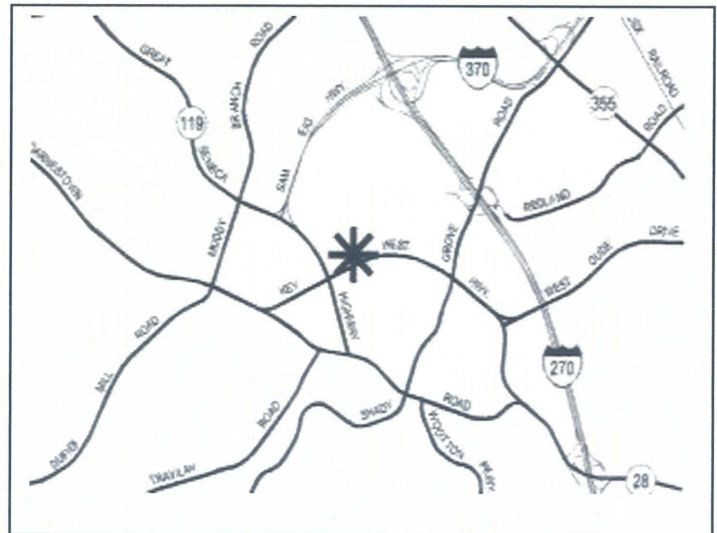
Limited Preliminary Plan Amendment No. 11996112B and Site Plan Amendment No. 82000018E, DANAC Stiles Property (Camden Shady Grove)

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- Joshua Sloan, Planner Supervisor, Area 2 Division, [Joshua.Sloan@montgomeryplanning.org](mailto:Joshua.Sloan@montgomeryplanning.org), 301-495-4597
- Glenn Kreger, Chief, Area 2 Division, [Glenn.Kreger@montgomeryplanning.org](mailto:Glenn.Kreger@montgomeryplanning.org), 301-495-4653

Completed: 10/14/13

**description**

- Preliminary Plan: Removal of an old transitway easement that is no longer required across a portion of the Subject Property and replatting of Lots 4 and 5. Site Plan: Adding the area encumbered by the transitway easement to the net tract area of the Final Forest Conservation Plan, which increases the planting requirement;
- Located in the northwest quadrant of the intersection of Key West Avenue and Diamondback Drive;
- Subject Property is 30.7 gross acres of land in the CR2.0 C1.5 R1.5 H150 & CR1.0 C0.5 R1.0 H80 Zones, in the LSC North District of the Great Seneca Science Corridor Master Plan area;
- Applicant: Camden USA, Inc.;
- Submittal: Preliminary Plan – June 17, 2013; Site Plan – October 7, 2013.



**summary**

- Staff recommends approval of the Preliminary Plan Amendment and Site Plan Amendment with conditions.
- The proposed amendment will allow for removal of the transitway easement platted on the Subject Property, and reflect the new net tract area in the Forest Conservation Plan which increases the planting requirement, and allow for replatting of Lots 4 and 5.
- Staff has not received any correspondence from noticed parties as of the date of this report.

## **PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS**

Staff recommends approval of Preliminary Plan 11996112B subject to the following conditions:

1. The Applicant and future heirs and assigns continue to be bound by all conditions of approval for Preliminary Plan 119961120 and 1996112A except for Condition No. 4 from Preliminary Plan 119961120, which all except the first sentence is deleted.
- 

## **SITE PLAN RECOMMENDATION AND CONDITIONS**

Staff recommends approval of the Final Forest Conservation Plan (FFCP) amendment (Site Plan 82000018E) subject to the following conditions:

1. Prior to Certified Site Plan, the Applicant must submit a revised Final Forest Conservation Plan (FCP) that incorporates the following items:
    - a. A Category I conservation easement must be placed on the 0.49 acres of forest located in the previous transit easement area, west of master planned road B-2.
    - b. Revise the Forest Conservation Worksheet to reflect the revised existing forest and retained forest and to provide a revised amount of mitigation based the total planting requirement derived by the worksheet.
    - c. Depict the limits of the transit easement being removed on the FCP.
  2. All previous conditions of approval for the Final Forest Conservation Plan #82000018D remain in effect.
  3. The Applicant must submit a Certificate of Compliance to use an M-NCPPC approved offsite forest mitigation bank within the same watershed within ninety (90) days of the mailing of the Planning Board Resolution approving 82000018D.
-

## SECTION 1: CONTEXT AND PROPOSAL

### SITE DESCRIPTION

#### Vicinity and Site Description

The DANAC Stiles Property (Subject Property) is bound by Key West Avenue (MD 28) to the south, Diamondback Drive to the east, Discoverly Drive to the north, and Great Seneca Highway (MD 118) to the west. Current uses within the campus include office buildings, surface parking, structured parking, and forest conservation and stormwater areas. This large block is split by two master-planned business district streets that subdivide the campus; each of these streets is generally complete.



*Vicinity Map*

The site is immediately surrounded by research, office, institutional, and office parks; lower density residential uses are located immediately across Discoverly Drive to the north. The LSC zoning to the south allows density up to 1.5 FAR and building heights up to 150 feet; the O-M zoning to the east allows density up to 1.5 FAR and building heights up to 80 feet (as recommended in the Master Plan). The site is located adjacent to a future Corridor Cities Transitway (CCT) station, and an additional 50 feet of right-of-way was previously dedicated along Diamondback Drive for the station and alignment. It is within ½ mile of three additional master-planned CCT Stations, and is within 1 mile of a fourth. Numerous bike routes, including shared-use paths, dual-bikeways, and shared signed roadways including the LSC Loop and the bikeway along the CCT run along and near the site.



Site Map

The Subject Property (red outline) comprises approximately 30.7 gross acres, and is currently improved with 367,681 square feet of office uses, internal driveways, a parking garage, and surface parking lots. Lot 7 is approximately 7.62 gross acres in size, and is currently improved with one of the surface parking lots, which will be replaced by a garage on Lot 6 by Site Plan Amendment 82000018D. The Property is currently served by public water and sewer. A stream buffer and Category I Forest Conservation easements occupy approximately 2.3 acres of the site. The Property is located within the Muddy Branch Watershed, State Use Class category I, which is not within a Special Protection Area.

The Subject Property is in the Great Seneca Science Corridor (GSSC) Master Plan area and the Life Sciences Center (LSC) North District. The entire site was rezoned by Sectional Map Amendment following the approval of the GSSC Master Plan adopted on May 4, 2010. Lot 7 was rezoned from the I-3 zone to the CR-2.0 C1.5 R1.5 H150 Zone, while the remainder of the Subject Property was rezoned from the I-3 zone to the CR-1.0 C0.5 R1.0 H80 Zone.

## PROJECT DESCRIPTION

### Previous Approvals

#### Preliminary Plan

The Preliminary Plan for DANAC Stiles was approved by the Planning Board Opinion dated June 9, 1997 (Preliminary Plan Resolutions – Attachment A). Pursuant to Section 50-20(c)(3)(A)(i), a determination of adequate public facilities (APF) for this plan would remain valid for 145 months, or July 9, 2009. Before the APF expired, the County Council took action to grant all valid plans an automatic two-year extension. Thus, the APF approval for the subject plan remained valid until July 9, 2011. On October 14, 2010, the

Planning Board granted an extension of the APF approval until July 9, 2017. The County Council then took action to grant another two two-year extension to all valid plans (a total of four since the previous APF extension), and thus, the APF validity period is now valid until July 9, 2021. To date, 367,681 square feet of office use have been developed under the original approval.

The Planning Board approved Preliminary Plan 11996112A (Resolution – Attachment A) on February 26, 2013, for a maximum total density of 1,012,253 square feet of total development, which includes up to 514,181 square feet of non-residential uses and up to 498,072 square feet of residential uses for up to 475 multi-family units, including a minimum of 12.5% moderately priced dwelling units (MPDUs). This approval also included an additional 50 feet of right-of-way dedication along Diamondback Drive to accommodate the Corridor Cities Transitway (CCT). This amendment allows for the development of Lot 7 to proceed under the CR Zone.

#### Sketch Plan

The Planning Board approved Sketch Plan 320110050 (Resolution – Attachment B) on July 26, 2012, for a maximum total density of 503,072 square feet of development on Lot 7, including a maximum of 498,072 square feet of residential uses and a minimum of 5,000 square feet of non-residential uses, and a maximum height of 75 feet for occupied space and 85 feet for architectural design elements.

#### Site Plans

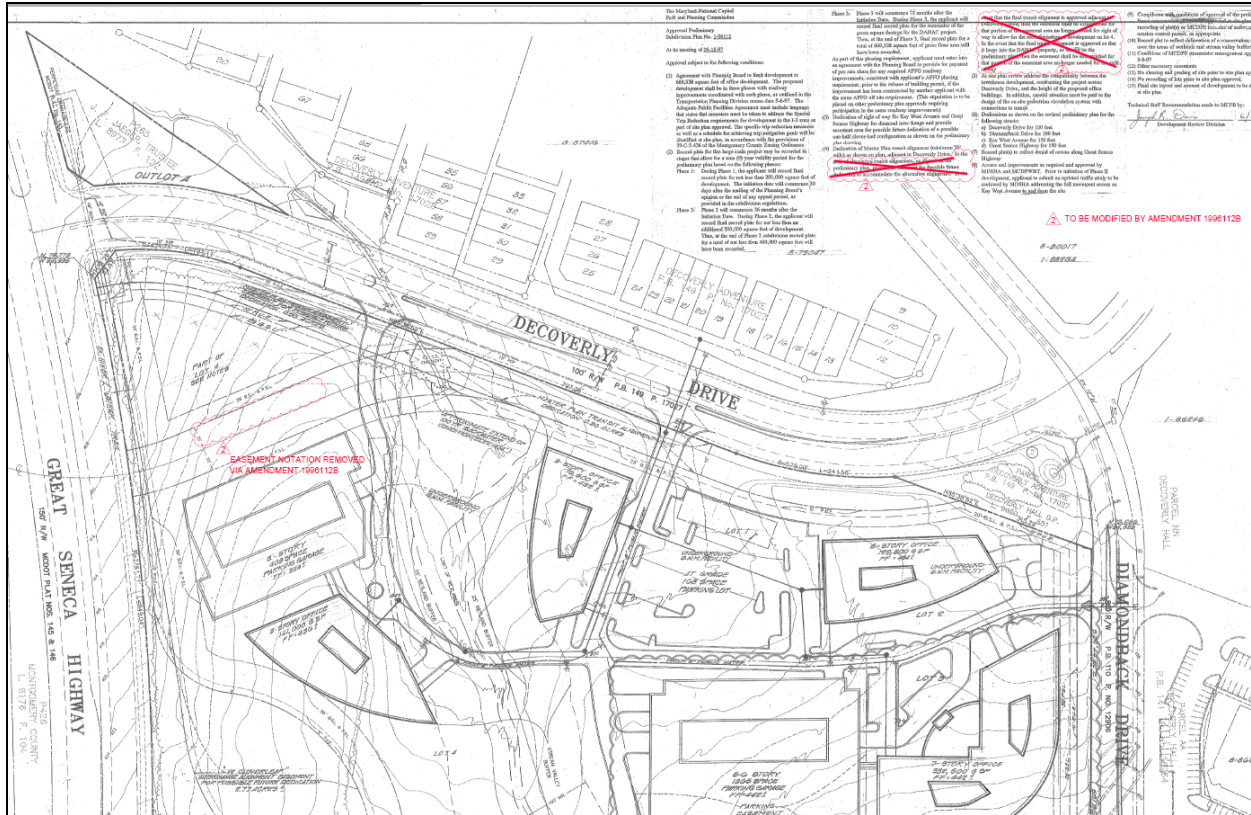
Site Plan 820000180 was approved by the Planning Board on April 6, 2000, for 669,400 square feet of commercial office uses in the I-3 Zone. The original site plan included Lots 6 and 7. Amendment A was approved by the Board on July 30, 2004, for changes to buildings 4 and 5 that were proposed on Lot 7. Amendment B was approved by the Board on January 11, 2007, for a temporary surface parking lot on Lot 7, among other minor revisions. Amendment C was approved administratively on August 1, 2008, for minor site plan modifications. Amendment D was approved by the Planning Board on December 6, 2012, to allow for removal of the existing 48-space, surface-level parking lot on Lot 7 and replacement with a four-story parking garage totaling 58,935 square feet with 153 parking spaces to be constructed on Lot 6.

Site Plan 820130110 is currently under review, which would allow for 498,072 square feet of residential uses for up to 453 residential units, and 5,000 square feet of non-residential live/work units, on Lot 7. This site plan is associated with Sketch Plan 320110050.

#### **Proposal**

The Limited Preliminary Plan Amendment (Attachment C) will allow for the removal of the approximately 0.8-acre area placed in reservation (also referred to as the “Transitway Easement”) for the CCT on the approved plans and plat. The area previously reserved is no longer needed due to the realignment of the CCT as part of the GSSC Master Plan and the dedication provided to accommodate the CCT along Diamondback Drive. The area previously approved for the alternative alignment of the CCT will be incorporated into Lots 4 and 5 when they are replatted.

This removal of the transitway easement does not modify any previous conditions of approval other than deleting all but the first sentence of Condition No. 4 of Preliminary Plan 119961120.



Preliminary Plan Amendment

Platting of the Subject Property (30.7 gross acres) will be done in phases. As required by Preliminary Plan Amendment A, prior to issuance of any residential building permit, Lot 5 and Lot 7 must be rerecorded by plat to reflect the required right-of-way dedications and amended Category I Forest Conservation Easement areas. Additional right-of-way dedication and placement of master-planned roads in separate and distinct parcels for Lot 4 and Lot 6 will be required in the future when the Preliminary Plan is amended and those properties are redeveloped.

The Site Plan Amendment is an amendment to the Final Forest Conservation Plan (FFCP), which is necessary to incorporate the land area (previously excluded from the work sheet due to it being encumbered by the transitway easement) into the Net Tract Area of the FFCP worksheet. The Applicant was previously allowed to exclude this area from the work sheet, however, now that the transit way is no longer needed, this land area must be added back into the worksheet to determine the appropriate amount of mitigation and/or planting requirements for purposes of Forest Conservation.

## COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements, and staff has not received correspondence from any community groups as of the date of this report, including the GSSC Implementation Advisory Committee (IAC).

## **SECTION 2: PRELIMINARY PLAN**

### **STAFF ANALYSIS**

Staff supports deleting the portion of Condition No. 4 of Preliminary Plan 119961120 requiring the 0.8-acre area to be placed in reservation as a transitway easement. The CCT has been realigned along another route and the right-of-way has been dedicated in accordance with the preferred alignment.

### **FINDINGS**

As discussed above, all previous findings for Preliminary Plan 119961120 and 11996112A as approved by the Planning Board remain valid. All approved validity periods also remain unchanged.

1. The Preliminary Plan substantially conforms to the master plan. Staff finds that the revision does not materially change the existing approvals for uses and square footage. The Property is currently limited to a total of 1,012,253 square feet of total development, which includes up to 514,181 square feet of non-residential uses and up to 498,072 square feet of residential uses for up to 475 multi-family units, including a minimum of 12.5% moderately priced dwelling units (MPDUs). This amendment makes no changes to these limitations.
2. Public facilities will be adequate to support and service the area of the proposed subdivision. The development of this site continues to be bound to the density and uses approved with the original approval. The finding of Adequate Public Facilities, including schools, fire and rescue access, roads, water and sewer remains valid for the square footages approved.
3. The size, shape, width and orientation of the proposed lots are appropriate for the location of the subdivision and for the uses contemplated. The lots are of the appropriate dimensions with respect to size, shape, width and orientation for their location within the subdivision to accommodate the mix of uses expected to occur on this Property. The proposal remains in conformance with all applicable sections of the Subdivision Regulations.
4. The Application satisfies all the applicable requirements of the Montgomery County Forest Conservation Law, Chapter 22A of the Montgomery County Code. The original approval by the Planning Board included provisions to satisfy the requirement of Chapter 22A as shown on the approved Forest Conservation Plan. This Amendment generates the need for an amendment to the Forest Conservation Plan, which is being reviewed concurrently with the Preliminary Plan. The worksheet will be amended as part of the Forest Conservation Plan to add the 0.8 acres back into the Net Tract Area. Category I easements, in accordance with that plan, will be shown on the record plats.
5. The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the fact that the Montgomery County Department of Permitting Services approved a stormwater management concept for the entire site at the time of the previous preliminary plan approval. This amendment does not change the elements of that concept.

### **CONCLUSION**

Based on the findings discussed above, Staff recommends approval of this limited Preliminary Plan amendment.

## SECTION 3: SITE PLAN

### STAFF ANALYSIS

#### Amendment to the Final Forest Conservation Plan

This property is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code), and a Forest Conservation Plan (“FCP”) #820000180 was approved on October 13, 2000 and was amended on March 18, 2013 (#82000018D). The Applicant proposes to extinguish the Easement for Possible Future Dedication (the “Easement”) that burdens an area no longer needed for the Corridor Cities Transitway (CCT) and straddles a master planned road (B-2) that was previously approved by Preliminary Plan 11996112A to be implemented as a private road with a public access easement. As a result, the FCP is being amended to add the transitway easement area to the net tract that was previously deducted in the approved FCP amendment #82000018D (Attachment D). In addition, the 0.49-acre forest area previously deducted as part of the Easement is being added to the total on-site forest on the Forest Conservation Worksheet.

The Applicant has requested that the 0.49-acre forest be counted as removed and that this area of forest not be protected with a conservation easement so that no encumbrances will be placed on Lot 4. The Applicant’s justification for not placing the 0.49-acre forest in a Category I Conservation Easement is to ensure that this lot can be developed to meet the expectations of the CR-zoned mixed use development identified in the Great Seneca Science Corridor (GSSC) Master Plan. Staff does not support the Applicant’s justification for not protecting this forest and is requiring that the FCP be revised to add a Category I conservation easement over the 0.49- acre forest located in the previous transit easement, west of B-2.

Staff cannot make the findings that, according to Section 22A-12.(b)(A) of the County code, *the development would make maximum use of any available planning and zoning options that would result in the greatest possible forest retention; (B) reasonable efforts have been made to protect the specific area and vegetation listed in the plan; and (C) the development proposal cannot be reasonably altered.* In addition, Section 22A.00.01.08. B. of the forest conservation regulation, requires that *“if existing forest on the site subject to a forest conservation plan cannot be retained, the applicant must demonstrate, to the satisfaction of the Planning Board.. (1) how techniques for retention have been exhausted; (2) why priority forests and priority areas cannot be left undisturbed..”* The forest in the CCT transitway easement provides a continuous forested 0.49 acre connection with the forest protected in a Category I Conservation Easement to the north and south/southeast. Contiguous forests are priority forests according to Section 22A-12(b)(2) of the County code. The application has not provided a reasonable justification for not placing a conservation easement over the 0.49 acre forest. The applicant’s attorney states that a conservation easement over the forest in the CCT easement would prevent the property owners from developing the tract to meet the expectations of the master plan. However, land within the easement is not large enough to develop by itself, and if the CCT area were added to the adjoining lot there is still conservation easement surrounding the CCT easement area. The property owners have not indicated any desire to redevelop the land in the CR zone, which is reflected in this site plan amendment which is only for forest conservation purposes without any proposed development changes.

In addition, by placing a Category I easement over the 0.49-acre forest, the Forest Conservation Worksheet depicted on the FCP must be revised to accurately provide the required planting requirement for the site. The mitigation proposed by the Applicant is in excess of the planting



requirement for the site and may be revised if warranted by the Applicant.

The transit easement proposed for removal east of B-2 does contain a stream and some forest cover northwest of the existing Category I conservation easement. However, because this portion of stream within the transitway easement is located within an existing stormwater easement and leaves such a small area to protect, no stream valley buffer or conservation easement is proposed or necessary for this portion of stream.

## **CONCLUSION**

Staff recommends approval of the Forest Conservation Plan Amendment with the conditions cited in this Staff Report; all previous findings are unchanged by this amendment, except that the application now meets the requirements of forest conservation law by purchase of an additional 1.05 acres of forest in an off-site mitigation bank.

## **ATTACHMENTS:**

- A. Preliminary Plan Resolutions
- B. Sketch Plan Resolution
- C. Preliminary Plan Amendment
- D. Final Forest Conservation Plan Amendment

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-96112

NAME OF PLAN: DANAC'S STILES PROPERTY

On 06-11-96, DANAC CORPORATION , submitted an application for the approval of a preliminary plan of subdivision of property in the I3 zone. The application proposed to create 4 lots on 25.48 ACRES of land. The application was designated Preliminary Plan 1-96112. On 05-15-97, Preliminary Plan 1-96112 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing , the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-96112 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code,as amended) and approves Preliminary Plan 1-96112, subject to the following conditions:

The County Council has indicated its intent to initiate legislation to create a Transportation Management Organization (TMO) for the Shady Grove Area at a future date. When such legislation is proposed, the County Council may seek to include preliminary plans approved prior to the effective date of the legislation. By approving this preliminary plan, the Planning Board does not intend to exempt this property from consideration by the County Council for inclusion in a TMO at a future date.

STAFF RECOMMENDATION: Approval, subject to the following:

(1) Agreement with Planning Board to limit development to 669,538 square feet of office development. The proposed development shall be in three phases with roadway improvements coordinated with each phase, as outlined in the Transportation Planning Division memo date 5-6-97. The Adequate Public Facilities Agreement must include language that states that measures must be taken to address the Special Trip Reduction requirements for development in the I-3 zone as part of site plan approval. The specific trip reduction measures as well as a schedule for achieving trip mitigation goals will be identified at site plan, in accordance with the provisions of 59-C-5.436 of the Montgomery County Zoning Ordinance.

(2) Record plats for this large scale project may be recorded in stages that allow for a nine (9) year validity period for the preliminary plan based on the following phases:

Phase 1: During Phase 1, the applicant will record final record plats for not less than 200,000 square feet of development. The initiation date will commence 30 days after the mailing of the Planning Board's opinion, as provided in the subdivision regulations

Phase 2: Phase 2 will commence 36 months after the Initiation Date. During Phase 2, the applicant will record final record plats for not less than an additional 200,000 square feet of development. Thus, at the end of Phase 2 subdivision record plats for a total of not less than 400,000 square feet will have been recorded

Phase 3: Phase 3 will commence 72 months after the Initiation Date. During Phase 3, the applicant will record final record plats for the remainder of the gross square footage for the DANAC project. Thus, at the end of Phase 3, final record plats for a total of 669,538 square feet of gross floor area will have been recorded

As part of this phasing requirement, applicant must enter into an agreement with the Planning Board to provide for payment of

pro rata share for any required APFO roadway improvements, consistent with applicant's APFO phasing requirement, prior to the release of building permit, if the improvement has been constructed by another applicant with the same APFO off site requirement. (This stipulation is to be placed on other preliminary plan approvals requiring participation in the same roadway improvements)

- (3) Dedication of right of way for Key West Avenue and Great Seneca Highway for diamond interchange and provide easement area for possible future dedication of a possible one-half clover-leaf configuration as shown on the preliminary plan drawing
- (4) Dedication of Master Plan transit alignment (minimum 50' wide) as shown on plan, adjacent to Discoverly Drive. In the area of alternative transit alignments, as shown on the preliminary plan, provide an easement for possible future dedication to accommodate the alternative alignments. In the event that the final transit alignment is approved adjacent to Discoverly Drive, then the easement shall be extinguished for that portion of the easement area no longer needed for right of way to allow for the reconfiguration of development on lot 4. In the event that the final transit alignment is approved so that it loops into the DANAC property, as shown on the preliminary plan, then the easement shall be extinguished for that portion of the easement area no longer needed for the right of way.
- (5) At site plan review address the compatibility between the townhouse development, confronting the project across Discoverly Drive, and the height of the proposed office buildings. In addition, careful attention must be paid to the design of the on-site pedestrian circulation system with connections to transit
- (6) Dedications as shown on the revised preliminary plan for the following streets:
  - a) Discoverly Drive for 100 feet
  - b) Diamondback Drive for 100 feet
  - c) Key West Avenue for 150 feet

d) Great Seneca Highway for 150 feet

- (7) Record plat(s) to reflect denial of access along Great Seneca Highway
- (8) Access and improvements as required and approved by MDSHA and MCDPW&T. Prior to initiation of Phase II development, applicant to submit an updated traffic study to be reviewed by MDSHA addressing the full movement access on Key West Avenue to and from the site
- (9) Compliance with conditions of approval of the preliminary forest conservation plan, to be approved at site plan, prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permit, as appropriate
- (10) Record plat to reflect delineation of a conservation easement over the areas of wetlands and stream valley buffers
- (11) Conditions of MCDPS stormwater management approval dated 5-8-97
- (12) Other necessary easements
- (13) No clearing and grading of site prior to site plan approval
- (14) No recording of lots prior to site plan approval
- (15) Final site layout and amount of development to be determined at site plan

PRELIMINARY SUBDIVISION PLAN APPLICATION FILE NO: 1-96112  
withdrew or superseded: N another plan on property? fileno: -  
NAME OF SUBDIVISION: DANAC'S STILES PROPERTY DATE OF APPLIC:  
06-11-96  
SPECIAL EXCEPTION OR ZONING CASE NO: DATE OF SRC: - -  
THRESHOLD: PRE-PRELIMINARY PLAN FOR THIS PROPERTY,ENTER IT: -  
LOCATION  
B. NE QUADRANT OF INTERSECTION OF KEY WEST AVENUE & GREAT SENECA  
HIGHWAY  
200 BASE MAP NO: 220NW10 MPDUS PROPOSED: 0  
NO. LOTS PROPOSED: 4 NUMBER OF RESIDENTIAL UNITS PROPOSED: 0  
TYPE OF UNITS: CM, , , , ZONING: I3  
NUMBER OF UNITS: 0 0 0 0 0 ZONING: ,  
PROPOSED SANITARY FACILITIES: WATER: PUBLIC SEWER: PUBLIC  
NUMBER OF TDRS: 0 REQUEST CLUSTER OPT: N REQUEST MPDU WAIVER: N  
REQUEST STORM WATER MANAGEMENT WAIVER: N HISTORIC SITE OR  
DISTRICT?: N  
OWNER NAME: DANAC CORPORATION  
ADDRESS: 7200 WISCONSIN #901 AVE TELEPHONE NO: 301-657-2800  
BETHESDA ,MD,20814  
CONTRACT PURCHASER NAME:  
ADDRESS: 0 TELEPHONE NO: - -  
, ,00000  
CONVEY AREA: 25.48 ACRES INCLUDE AREA: 25.48 ACRES PLAN FEE: \$.00  
RESTRICTIONS:  
WSSC RIGHT-OF-WAY RECORDED IN LIBER 2697, FOLIO 546  
15' SLOPE EASEMENT PER PLAT 12906 (DIAMONBACK DRIVE)

ENGINEER OR SURVEYOR: MACRIS,HENDRICKS,GLASCOCK  
ADDRESS: 9220 WIGHTMAN #120 RD. TELEPHONE: 301-670-0840

GAITHERSBURG ,MD,20879

MPDU REQUIRED: 0 MPDU APPROVED: 0 NO. OF LOTS APPROVED: 4

UNITS APPROVED: TYPE OF UNITS: , , , ,

NUMBER OF UNITS: 0 0 0 0 0

DATE OF PLAN ACTION: 05-15-97 PLANNING BOARD ACTION: APPROVED

PLAN EXTENSION: N DATE GRANTED: 00-00-00 EXPIRATION: 00-00-00

200 BASE MAP NO: 220NW10 MASTER PLAN AREA: 20 TAX MAP NO: FS341

X COORDINATE 742051 TAX MAP YEAR: CENSUS TRACT & BLOCK:

Y COORDINATE 463331 PLANNING AREA: 20 TRAFFIC ZONE: 282

SEWERSHED NO: SEWER AUTHORIZATION NO:

STORM WATER MGMT. WAIVER GRANTED: STREAM CHANNEL MODIFICATION:

WRA PERMIT NEEDED:

PARKLAND ACRES: REC FACIL: PLAYGROUND: PLAYFIELD: OTHER:

\*\* END OF FORMATTING \*\*

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**Date Mailed: April 26, 2001**

**Action:** Approved Staff Recommendation  
**Motion** of Comm. Bryant, seconded by  
Comm. Perdue with a vote of 4-0;  
Comms. Bryant, Hussmann, Perdue and  
Wellington voting in favor  
Comm. Holmes absent

## **MONTGOMERY COUNTY PLANNING BOARD**

### **OPINION**

Preliminary Plan 1-96112R  
NAME OF PLAN: DANAC'S STILES PROPERTY

On 11/16/00, DANAC CORPORATION submitted an application for the approval of a preliminary plan of subdivision of property in the I-3 zone. The application proposed to create 4 lots on 25.5 acres of land. The application was designated Preliminary Plan 1-96112R. On 03/08/01, Preliminary Plan 1-96112R was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-96112R to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-96112R.

**Comments:** The previous Planning Board approval on this preliminary plan required certain transportation related improvements as part of the Adequate Public Facilities (APF) review. Three preliminary plans, Danac Stiles 1-96112, Traville 1-97022, and Belward Campus 1-96110 have such improvements related to an at-grade intersection improvement at Shady Grove Road and Darnestown Road. The staffs of MCDPW&T, MDSHA and M-NCPPC have reevaluated this improvement and have modified their recommendation regarding that intersection and are now requiring each applicant to participate, on a pro-rata basis, in conjunction with MCDPW&T CIP Project, "Spur Road."

Approval to Revise Condition #1 as Follows:

- (1) Submit an amended Adequate Public Facilities (APF) agreement with the Planning Board to include the participation in the pro-rata share of the developer's cost in the Montgomery County Department of Public Works and Transportation's CIP Project, "Spur Road"
- (2) All previous conditions of the preliminary plan approval as contained in the Planning Board's Opinion dated June 9, 1997 remain in full force and effect



**MONTGOMERY COUNTY PLANNING BOARD**  
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

FEB 26 2013

MCPB No. 12-153  
 Preliminary Plan No. 11996112A  
 DANAC Stiles Property  
 Date of Hearing: December 6, 2012

**RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is authorized to review preliminary plan Applications; and

WHEREAS, on February 14, 2012, Camden USA, Inc. ("Applicant"), filed an application for approval of an amendment to an approved preliminary plan of subdivision to resubdivide Lots 7 and 5 in order to convert previously approved commercial uses to residential uses and modify an existing Category I Forest Conservation Easement, to allow for a maximum of 1,012,253 square feet of development which includes up to 514,181 square feet of non-residential uses and up to 498,072 square feet of multi-family residential use, with up to 475 units, including a minimum of 12.5% moderately priced dwelling units ("MPDUs"), on approximately 30.7 acres of land in the CR2.0 C1.5 R1.5 H150 & CR1.0 C0.5 R1.0 H80 Zones, located in the northwest quadrant of the intersection of Key West Avenue and Diamondback Drive ("Subject Property"), in the LSC North District of the Great Seneca Science Corridor Master Plan ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan Application was designated Preliminary Plan No. 11996112A, DANAC Stiles Property ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated November 20, 2012, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on December 6, 2012 the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

Approved as to  
 Legal Sufficiency

*Christina Jones* 2/7/13  
 MNCPPC Legal Department  
 www.montgomeryplanningboard.org Phone: 301.495.4605 Fax: 301.495.1320  
 E-Mail: mcp-chair@mncppc-mc.org

WHEREAS, on December 6, 2012 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Presley, seconded by Commissioner Wells-Harley, with a vote of 4-0; Commissioners Anderson, Carrier, Presley and Wells-Harley voting in favor, with Commissioner Dreyfuss being absent.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 11996112A to resubdivide Lots 5 and 7, subject to the following conditions:<sup>1</sup>

1. Approval is limited to a maximum density of 1,012,253 square feet of total development, which includes up to 514,181 square feet of non-residential uses and up to 498,072 square feet of residential uses for up to 475 multi-family units, including a minimum of 12.5% moderately priced dwelling units (MPDUs).
2. Prior to submission of a Site Plan for Lot 7, permanent Category I Forest Conservation Easement signs must be placed along the perimeter of the conservation easement area. Final number and locations of signs to be determined by the M-NCPPC inspector.
3. Prior to the submission of a Site Plan for Lot 7, a Phase I Noise analysis must be conducted to determine if noise mitigation elements must be incorporated in the Site Plan.
4. Prior to issuance of any residential building permit, Lot 5 and Lot 7 must be rerecorded by plat to reflect the required right-of-way dedications and amended Category I Forest Conservation Easement areas. Platting will be done in phases, and additional right-of-way dedication for Lot 4 and Lot 6 will be required in the future when the Preliminary Plan is amended and those properties are redeveloped.
5. The Applicant must dedicate, and the record plat(s) must reflect, the Master Plan recommended 200-foot right-of-way (100 feet from centerline along the Subject Property frontage) for Key West Avenue (MD 28), per the phasing allowed in Condition No. 4.
6. The Applicant must dedicate, and the record plat(s) must reflect, the Master Plan recommended 150-foot right-of-way (150 feet from the opposite right-of-way along the Subject Property frontage) for Diamondback Drive, per the phasing allowed in Condition No. 4.

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<sup>1</sup> For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

7. The Applicant must amend the existing Traffic Mitigation Agreement with the Montgomery County Department of Transportation (MCDOT) and the Planning Board that was originally executed on June 6, 2000 to satisfy trip reduction requirements under the I-3 Zone and participate in the Greater Shady Grove Transportation Management Organization (TMO). The amended Traffic Mitigation Agreement must be executed prior to release of any building permit for the residential building.
8. The Applicant must design, construct, maintain, and provide the 56 feet wide public access easements for the recommended business district streets B-2 and B-7. The two new internal streets may be implemented as private streets subject to the following conditions:
  - a. The Applicant must determine the final extent, delineation, and alignment of the private streets when subsequent site plans are filed.
  - b. Private streets must be located within their own parcel, separate from the proposed development.
  - c. Public access easements must be granted for the streets and must be reviewed and approved by MCDOT and the Maryland-National Capital Park and Planning Commission (M-NCPPC).
  - d. The design of the roads must follow or improve on the corresponding Montgomery County Road Code standard (2005.02 modified) for a similar public road, unless a modification is approved by MCDOT and the Planning Board at the time of future site plan.
  - e. Installation of any public utilities must be permitted within such easements.
  - f. The streets may not be closed for any reason unless approved by MCDOT.
  - g. The public access easements must be volumetric to accommodate uses above or below the designated easement areas.
  - h. Montgomery County may require the Applicant to install appropriate traffic control devices within the public access easement and the easement must grant the right to the County to construct and install such devices.
  - i. Maintenance and Liability Agreements will be required for each public access easement area by MCDOT at the time of record plat. These agreements must identify the respective Applicant's responsibility to maintain all of the improvements within their easement areas in good fashion and in accordance with applicable laws and regulations.
  - j. Montgomery County will inspect these streets and ensure that each has been constructed in accordance with or improving upon the corresponding Montgomery County Road Code standard (2005.02 modified) for a similar

- public road, unless a modification is approved by MCDOT and the Planning Board at the time of future site plan.
- k. The Applicant is obligated to remove snow and provide repairs to keep the roads in working order and open and if, for any reason, the Applicant does not, the County must have the right, but not the obligation, to remove snow and/or provide repairs.
  - l. The boundary of the public access easements must be shown on the record plat.
9. The Applicant must coordinate with the applicant of Site Plan No. 820100090, JHU-National Cancer Institute, to improve the intersection of Key West Avenue and Diamondback Drive/ Broschart Drive, which is adjacent to the Subject Property.
  10. The Applicant must coordinate with the Maryland Transit Administration (MTA) to ensure that the Preliminary Plan reflects the latest MTA alignment and design of the Corridor Cities Transitway (CCT) along the west side of Diamondback Drive and its proposed station at the intersection with master-planned business district street, B-2.
  11. The Applicant must provide and show on the future site plan a total of 110 bicycle parking spaces consisting of the following:
    - a. At least 10 public bicycle parking spaces or 5 inverted-U bike racks, or approved equivalent, near the main entrances in a weather-protected area, with locations and final numbers determined at site plan.
    - b. 100 bike lockers or a secured bike room for at least 100 bicycles in the garage near the elevator in a well-lit area, with locations and final numbers determined at site plan.
  12. The Planning Board has accepted the recommendations of the MCDOT in its letter dated November 6, 2012, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
  13. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
  14. The Planning Board has accepted the recommendations of the Maryland State Highway Administration ("MDSHA") in its letter dated April 16, 2012, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the

- letter, which may be amended by MDSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
15. Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MDSHA.
  16. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Services ("DPS") stormwater management concept approval letter dated April 4, 2012, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by DPS provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
  17. The Subject Property is located in the Gaithersburg High School Cluster. The Applicant must make a School Facilities Payment to the Montgomery County Department of Permitting Services at the elementary school level. The Applicant will be required to pay at the "highrise/low-rise w/structured parking" residential units rate for all units for which a building permit is issued. The amount of the payment will be determined by the rate in effect at the time the payment is made. The timing of the payment is determined by DPS.
  18. No clearing or grading of the Subject Property, or recording of plats prior to certified site plan approval.
  19. Final approval of the number and location of buildings, dwelling units, on-site parking, and site circulation will be determined at site plan.
  20. In the event that a subsequent site plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or right-of-way location, width, or alignment, the Applicant must obtain approval of a preliminary plan amendment prior to certification of the site plan.
  21. The Certified Preliminary Plan must contain the following note: "Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for this lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
  22. All necessary easements must be shown on the Record Plat.

23. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid until July 9, 2019.
24. The Applicant must submit a Certificate of Compliance Agreement for reforestation/ afforestation to be approved by M-NCPPC General Counsel; forest bank credits must be purchased prior to issuance of sediment and erosion control permits.
25. The final Sediment Control Plan must be consistent with the limit of disturbance shown on the Amended Final Forest Conservation Plan (FFCP).
26. The Applicant must comply with all tree protection and tree save measures shown on the approved Amended FFCP, including recommendations specified in the arborist's letter dated May 24, 2012 and included on Sheet FC-4 of the Amended FFCP.
27. Additional tree save measures not specified on the Amended FFCP may be required by the M-NCPPC forest conservation inspector.
28. Permanent Category I Forest Conservation Easement signs must be placed along the perimeter of the conservation easement area. Final number and locations of signs to be determined by the M-NCPPC inspector.

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the Hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

Master Planned Roadways B-2 and B-7

The Master Plan identifies two business district rights-of-way on the Subject Property. They are Roadways B-2 and B-7. B-2 provides a connection from Decoverly Drive through the site to Diamondback Drive, while B-7 provides a connection from B-2 through the site to Key West Avenue. According to the Master Plan, business district streets B-2 and B-7 should be dedicated and constructed as 60-foot wide rights-of-way.

The Applicant has requested permission to construct these roads as private roads with public access easements instead of dedicating the roads to the public. Although the Master Plan envisions these roadways to be dedicated to public use, the Planning Board finds that the business district roads developed as private roads with public access easements granted to the County is in substantial conformance with the Master Plan, as conditioned by this approval.

The Planning Board supports this request due to the unique circumstances of the DANAC Stiles Property. The DANAC Stiles Property site has been developed and maintained as an office campus environment. The two owners work cooperatively with one another in order to control the overall design, appearance, and character of the campus. Both property owners have agreed to this request regarding the internal roads. These internal roads, unlike the perimeter roads (i.e., Key West Avenue, Diamondback Drive, Decoverly Drive, and Great Seneca Highway), are not essential to the primary network for the Master Plan area. As private rights-of-way with public access easements, they will still provide alternate route options for pedestrians, cyclists, and vehicles. Also, the roads will be constructed to the public road standards identified in the Master Plan and Design Guidelines, and public access easements reflecting the master-planned right-of-ways for B-2 and B-7 will be recorded on the plat. The preferred alignment of the CCT station will not accommodate the B-2 Diamondback Drive intersection as shown in the Master Plan. The Applicant is providing a width slightly less than the Master Plan recommended 60 foot right-of-way due to constraints of the amount of space between existing buildings and the Category I Conservation Easements. The Applicant, however, will be responsible for maintenance of the roads. As conditioned above, the Applicant is required to plat the roads (curb to curb) in separate parcels, while the public access easement will cover the larger cross section including the sidewalks envisioned by the Master Plan. Therefore, in this unique instance, roads B-2 and B-7 can be provided as private rights-of-way with public access easements, and will still function as public roads in a dedicated right-of-way.

#### General Recommendations

The Master Plan provides the following general applicable recommendations for the Subject Property including:

- Transform the Life Science Center (LSC) into a dynamic live/work community while ensuring growth opportunities for research, medical, and bioscience interests;
- Align the Corridor Cities Transitway (CCT) through the LSC and provide four transit stations that will be the focal point of new development in the LSC North, Central, West, and Belward districts;
- Concentrate density, building height, and civic green spaces at the CCT stations. Provide appropriate transitions to adjacent neighborhoods;
- Create the LSC Loop as the organizing element of the open space plan to connect districts and destinations, incorporate natural features, and provide opportunities for recreation and non-motorized transportation;
- Create a sustainable community that will attract nationwide interest with design and materials that minimize carbon emissions, maximize energy conservation, and preserve water and air quality; and
- Support the County's Agricultural Reserve with zoning that requires acquisitions of Building Lot Termination (BLT) easements to achieve maximum densities.



There is a shortage of housing in the Master Plan area, and the development, which will be adjacent to a planned CCT station, will add to the housing stock at a strategic and convenient location in the LSC. The Applicant is proposing to concentrate the most height and density of the DANAC Stiles Property to date on Lot 7 as envisioned by the Master Plan, while also designing the development in a way that makes the planned CCT station a focal point of the development. The CCT station will provide convenient access to and from the area. The hardscaping and landscaping details will be addressed at the time of site plan review. Before the CCT is constructed, the area will still include the existing Diamondback Drive vehicular and pedestrian access to and from Diamondback Drive. As discussed during the review of the Sketch Plan for this site, it is expected that such access point will be closed when the CCT is constructed. The LSC Loop already runs along Decoverly Drive, along the north side of the DANAC Stiles campus. The LSC Loop provides for recreational opportunities and helps to connect the DANAC Stiles campus with the rest of the LSC. As indicated by the Sketch Plan Application, the development will have a unique façade design, and will incorporate sustainable elements through its compliance with the County's green building requirements and public benefits schedule. The Application will support the Agricultural Reserve through its acquisition of BLTs. The final number of BLTs will be determined at site plan review.

#### *Climate Protection and Sustainability*

The Master Plan makes a number of recommendations to reduce development's carbon footprint (page 29), including site and building design and orientation that takes advantage of passive solar heating and lighting and passive cooling opportunities and commitments to reduce energy and water consumption. The Applicant will address these climate goals at site plan.

#### *Housing*

The Master Plan encourages the provision of housing to improve the area's jobs-housing balance, and recommends a range of housing options to help meet County housing goals, including Moderately Priced Dwelling Units and workforce housing (page 23). The Application provides 12.5% MPDUs, and satisfies that recommendation.

#### *Staging Considerations*

According to the Master Plan, converting from non-residential to residential development is exempt from the Master Plan's staging requirement, as long as the residential project does not increase the number of already approved vehicle trips. As stated on page 76 of the Master Plan:

"The 3.7 million square feet of development in the pipeline is not subject to the [Master] Plan's staging requirements unless a project's Preliminary Plan expires. The owner of a property approved for commercial development may re-subdivide

and convert to residential development and still be exempt from staging provided that the change in development will not increase the number of vehicle trips."

Thus, the Application is exempt from the Master Plan staging limit of 2,500 dwelling units since the Preliminary Plan has not expired and the Application is for a conversion to residential development. The Applicant will be using 5,000 square feet of the approved but unbuilt 301,857 square feet of commercial uses to construct the required live/work units onsite.

#### Site Specific Recommendations

The Master Plan has the following recommendations that are specific to the Subject Property on pages 48 and 49:

- Locate the LSC North CCT station on the east side of the DANAC property (west side of Diamondback Drive);
- Rezone DANAC property from I-3 to CR Zone;
- Recommended Zoning for Lot 7 is: CR2.0 C1.5 R1.5 H150. The remainder of the DANAC property should be zoned CR1.0 C0.5 R1.0 H 80;
- Building height along Decoverly Drive adjacent to the residential community to the north is limited to 50 feet within 100 feet of the Decoverly Drive right-of-way;
- The sidewalk and pedestrian improvements as shown on the Sketch Plan and Concept Plan;
- 150-feet of right-of-way for Diamond Back Drive;
- 200-feet of right-of-way for Key West Avenue; and
- Dedication of master planned business district streets B-2 and B-7.

The Applicant is providing for the dedication and design of the CCT on the east side of the Subject Property. The Applicant has also designed a public space to complement the planned CCT station when constructed as shown in the illustrative plan below. The building height restriction in relationship to Decoverly Drive is being adhered to. The Applicant is providing the dedications for Diamondback Drive and Key West Avenue, and the business district streets are proposed as private roads with public access easements, but will be constructed to the standards specified in the Master Plan.

2. *Public facilities will be adequate to support and service the area of the approved subdivision.*

#### Master-Planned Roadways and Bikeways

The DANAC Styles Property is located on the north side of Key West Avenue (MD 28) between Great Seneca Highway (MD 118) and Diamondback Drive. The vehicular access points are at the following intersections:

- Business district street, B-7, and Key West Avenue.

- Business district street, B-2, and Decoverly Drive.
- Business district street, B-2, and Diamondback Drive if not closed to accommodate the Corridor Cities Transitway station and its extension southward crossing under Key West Avenue.

#### Site Location and Vehicular Site Access Points

In accordance with the 2010 *Great Seneca Science Corridor Master Plan (GSSC)* and the 2005 *Countywide Bikeways Functional Master Plan (Countywide)*, the roadways and bikeways are classified as follows:

1. Key West Avenue is designated as a six-lane major highway, CM-22, with a recommended 200-foot right-of-way and a Countywide dual bikeway (bike lanes and a shared use path on the north side), DB-43;
2. Great Seneca Highway is designated as a six-lane major highway, M-90, with a recommended 150-foot right-of-way and a Countywide shared use path, SP-63, on the west side;
3. Diamondback Drive is a four-lane arterial, A-261b, with a recommended 150-foot right-of-way that includes a 50-foot-wide CCT right-of-way along west side, GSSC dual bikeway, LB-3, and a Countywide shared use path, SP-66, within the CCT right-of-way;
4. Decoverly Drive is a four-lane arterial, A-284, with a recommended 100-foot right-of-way and the GSSC Life Science Center Loop dual bikeway, LB-1.

The Master Plan identifies two business district rights-of-way on the Subject Property. They are Roadways B-2 and B-7. B-2 provides a connection from Decoverly Drive through the site to Diamondback Drive, while B-7 provides a connection from B-2 through the site to Key West Avenue. According to the Master Plan, business district streets B-2 and B-7 should be constructed as 60-foot wide rights-of-way.

#### Corridor Cities Transitway (CCT)

MTA's preferred alignment of the CCT is along the west side of Diamondback Drive with a proposed station at the intersection with master-planned business district street, B-2. The Applicant must coordinate with the MTA CCT's project manager, Rick Kiegel, regarding MTA's latest alignment and design of the CCT. The preferred CCT alignment along Diamondback Drive crosses under Key West Avenue but an alternative proposal suggests that the CCT might cross the intersection with Key West Avenue at-grade.

If the CCT alignment along Diamondback Drive does run under Key West Avenue, the proposed CCT station would be below the grade of the Diamondback Drive/B-2 intersection and block the eastbound approach of B-2 to this intersection. To travel eastbound on B-2, motorists must circle the block formed by master-planned "business district street" B-7, Decoverly Drive, and Diamondback Drive.

Based on the master-planned projection of peak-hour trips, the CLV values would not exceed the congestion standard of 1,450 with or without the eastern approach of Diamondback Drive open to traffic.

#### Bus Rapid Transit

One of the candidate Bus Rapid Transit (BRT) options is Route 5, "Gude Drive/Key West Avenue" that proposes transit vehicles operating along Key West Avenue with a station at the intersection with Diamondback Drive/Broschart Drive.

#### Existing Available Transit Service

Other than the proposed CCT and BRT stations, the following two Ride-On routes currently operate along the roads fronting the site:

1. Ride-On route 66 along Key West Avenue between Great Seneca Highway and Diamondback Drive;
2. Ride-On route 74 along Decoverly Drive and Diamondback Drive between Great Seneca Highway and Key West Avenue.

#### On-Site Pedestrian and Bicycle Facilities

On Lot 7, the pedestrian and bicycle facilities will be determined as part of the future site plan. Under Section 59-C-15.62 of the County Zoning Ordinance as a development located in the CR zone, the Applicant must provide bicycle parking spaces for a residential building with 20 or more dwelling units. For the proposed apartment building with 475 units, the required bicycle parking is:

1. Publicly accessible bike spaces: At least 10 spaces. Final number and location to be determined at site plan.
2. Private secured bike spaces: At least 100 spaces. Final number and location to be determined at site plan.

#### Master-Planned Transportation Demand Management

The site is located within the boundary of the Greater Shady Grove Transportation Management District (TMD). The Applicant must participate in the TMD and assist the County in achieving and maintaining its non-auto driver mode share goals.

#### Local Area Transportation Review (LATR)

The original Preliminary Plan No. 119961120 was approved in 1997 for 669,538 sf of office uses. In accordance with the *Local Area Transportation Review and Policy Area Mobility Review Guidelines*, a traffic study is not required to satisfy the LATR test because the number of total peak-hour trips generated by the proposed apartments is less than the trips generated by the previously-approved and unbuilt office uses.

The CLV values exceed the 1,450 standard during the weekday morning peak hour without the intersection improvement required of JHU-National Cancer Institute. With the improvement, the CLV values are reduced below the 1,450 standard. An Applicant would typically be required to improve an intersection that exceeds the congestion standard as result of development approved. However, the conversion of approved commercial uses to residential uses results in an overall reduction of trips, and therefore, the previous adequate public facilities test approval remains valid, and the Applicant is not required to improve the intersection of Key West Avenue and Diamondback Drive/Broschart Drive.

Policy Area Mobility Review (PAMR)

Under the current *Subdivision Staging Policy*, because the new peak-hour trips generated by the proposed apartments are less than the new trips generated by the previously approved and unbuilt office space, mitigation is not required to satisfy the PAMR test.

Other Public Facilities and Services

The development will be served by public water and sewer systems. The Application has been reviewed by the Montgomery County Fire and Rescue Service which has determined that the Subject Property has appropriate access for fire and rescue vehicles. Other public facilities and services including police stations, firehouses and health care are currently operating in accordance with the Subdivision Staging Policy and will continue to be sufficient following the construction of the Project. Electric, gas and telecommunications services will also be available and adequate. The Application is located in the Gaithersburg Cluster, which requires a School Facilities Payment at the elementary school level. The required payment will be made to DPS.

3. *The size, width, shape, and orientation of the approved lot is appropriate for the location of the subdivision.*

The size, shape, and width of the approved lots allow the development to meet the Master Plan goals to provide a more urban and walkable community while providing much needed residential development. Further, the lots are designed in such a way to meet all other requirements of the Subdivision Regulations, including access, frontage, dedication for public uses, adequacy of public facilities and conformance to Master Plan recommendations.

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50-29(a) of the Subdivision Regulations, and Chapter 59, the Zoning Ordinance. The Planning Board finds that the size, shape, width, and area of the lots are appropriate for the location of the subdivision.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

Amended Final Forest Conservation Plan

The original Final Forest Conservation Plan (#820000180) was approved on October 13, 2000, and resulted in a mitigation requirement of 5.4 acres. Of this figure, the Applicant has previously provided 1.8 acres of on-site plantings and 2.6 acres of off-site forest planting (Certificate of Compliance June 23, 2000, Liber 18194, Folio 136) for a total of 4.4 acres of mitigation satisfied. The remaining 1.0 acre mitigation requirement was to be satisfied by street tree canopy credit; however, site constraints make this option difficult. As part of the Preliminary Plan, the Applicant is amending the previously approved Final Forest Conservation Plan to satisfy the remaining 1 acre requirement at an approved off-site forest conservation bank.

In addition, the original Final Forest Conservation Plan included an approved paved pedestrian pathway within the Category I Forest Conservation easement around the stream buffer. Portions of this Category I easement adjacent to this pathway have been maintained by mowing, which is a violation of the easement agreement. As part of the Final Forest Conservation Plan Amendment, the Planning Board hereby approves removal of the Category I easement around the pathway to permit maintenance and allow visibility of the trail, with the 0.28 acres of Category I easement removed to be replaced at a 2:1 ratio in an approved off-site forest conservation bank, resulting in an additional planting requirement of 0.56 acres. The Applicant has agreed to stop mowing the Category I easement and add supplemental tree plantings in the easement. A mulched strip will be permitted adjacent to the inner edge of the pathway to facilitate maintenance. This is consistent with allowed uses in a Category I easement.

Noise

Prior to the submission of a Site Plan for Lot 7, a Phase I Noise analysis must be conducted to determine if noise mitigation elements must be incorporated in the Site Plan.

5. *All stormwater management requirements shall be met as provided in Chapter 19, article II, title "stormwater management", Section 19-20 through 19-35.*

The Montgomery County Department of Permitting Services (DPS) issued a letter accepting the Stormwater Management Concept approval for the original Preliminary Plan on June 29, 2006. The requirements of the original stormwater concept plan still apply to the site, with the exception of Lot 7. For Lot 7, DPS issued a letter on April 4, 2012, and has determined that required stormwater management goals will be met onsite via Planter box micro filters, non-rooftop disconnect and the existing stormwater pond.

BE IT FURTHER RESOLVED, that this Preliminary Plan amendment will remain valid for 60 months (5 years) from its initiation date (as defined in Montgomery County Code Section 50-35(h)), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

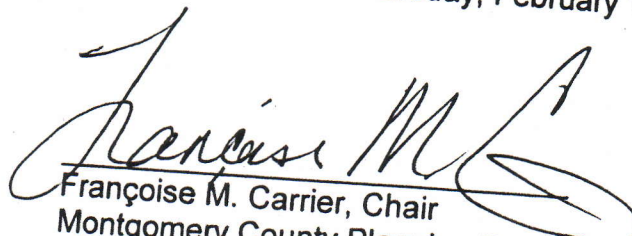
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is FEB 26 2013 (which is the date that this Resolution is mailed to all parties of record); and

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 Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

CERTIFICATION

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 Vice Chair Wells-Harley, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioner Anderson voting in favor of the motion, and with Commissioners Dreyfuss and Presley absent, at its regular meeting held on Thursday, February 14, 2013, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board

No.	Name & Phone Number	Email	Organization & Address	Time
1	Timothy Dugan 301-230-5228	<a href="mailto:tdugan@shulmanrogers.com">tdugan@shulmanrogers.com</a>	APPLICANT/Shulman Rogers 12505 Park Potomac Ave Potomac, MD 20854	
2	Jack Jaeger 301-657-2800	<a href="mailto:jack@danac.com">jack@danac.com</a>	APPLICANT 7501 Wisconsin Avenue Bethesda, MD 20814	
3	Vic Bryant 301-670-0840		APPLICANT/Macris Hendricks 9220 Wightman Rd #120 Montgomery Village, MD 20886	
4	Toby Wilson 301-670-0840		APPLICANT/Macris Hendricks 9220 Wightman Rd #120 Montgomery Village, MD 20886	
5	Marty Bates 301-644-0444		Bates Architects 121 North Court Street Frederick, MD 21701	
6				
7				
8				
9				
10				
11				
12				
<b>TOTAL</b>				<b>0</b>



# SIGN-UP SHEET TO TESTIFY BEFORE THE PLANNING BOARD

## INSTRUCTIONS AND IMPORTANT INFORMATION

1. To testify on an item on the Planning Board's agenda, please fill out this form and give it to the Planning Board assistant at the end of the dais.
2. Written copies of testimony presented orally or copies of correspondence will not be distributed at the hearing.
3. All materials (PowerPoint and other electronic presentations, letters, photos, maps, etc.) that are shown during the Planning Board's public hearings will be entered into the official record and will not be returned to you.
4. Ceding time to others is no longer permitted under the Planning Board's Rules of Procedure. Those who wish to request additional time to speak at a hearing must do so by contacting the Planning Board Chair's office at least 24 hours before the hearing.
5. Time allotted to speakers on non-regulatory items is at the Chair's discretion. Public testimony is not generally taken on reconsideration requests, awarding of contracts, work sessions and roundtable discussion items.
6. While the Planning Board is in session: do not consume food or drink; do not hold signs; do not walk behind the dais. Silence all electronic devices. Be respectful of all speakers and the Board's deliberations: do not engage in booing, hissing, applauding, or other commentary from the audience.

ITEM 3 DANAC STILES LOT 6

### YOUR INFORMATION

- APPLICANT  
 COMMUNITY ASSOCIATION REPRESENTATIVE  
 ABUTTING PROPERTY OWNER       INDIVIDUAL       GOVERNMENT OFFICIAL

3  
AGENDA ITEM NUMBER

12/6/12  
DATE

TIM DUGAN SHULMAN ROGERS  
JACK JAEGER DANAC

YOUR NAME

NAME OF GROUP YOU ARE REPRESENTING (IF ANY)

VIC BRYANT MACRIS HENBRICKS  
TOBY WILSON MACRIS HENBRICKS  
MARTY BATES BATES ARCHITECTS

ADDRESS

CITY

STATE

ZIP

The following order of speakers/testimony will be taken on all regulatory issues before the Planning Board:

- |    |  |                          |
|----|--|--------------------------|
| A. | Presentation of the Staff Report                   | 10 minutes (total)       |
| B. | Testimony from the Applicant                       | 15 minutes (total)       |
| C. | Testimony of Government Officials                  | 7 minutes (each person)  |
| D. | Testimony of Authorized Representatives            | 10 minutes (each person) |
|    | • Civic Associations                               |                          |
|    | • Homeowners Associations                          |                          |
|    | • Recognized Civic Entities                        |                          |
|    | • Other organized parties                          |                          |
| E. | Testimony of Adjoining or Abutting Property Owners | 5 minutes                |
| F. | Testimony of Individuals                           | 3 minutes                |
| G. | Rebuttal Testimony                                 | (Chair's discretion)     |

DANAC Stiles Property  
 Item #4  
 December 6, 2012  
 Speaker Sign-up Sheet

No.	Name & Phone Number	Email	Organization & Address	Time
1	Timothy Dugan 301-230-5228		APPLICANT/Shulman Rogers 12505 Park Potomac Ave Potomac, MD 20854	
2	Jay Johnson 703-556-5741		APPLICANT/Camden 1420 Spring Hill Rd, #200 McLean, VA 22102	
3	Jack Jaeger 301-657-2800	<a href="mailto:jack@danac.com">jack@danac.com</a>	APPLICANT 7501 Wisconsin Avenue Bethesda, MD 20814	
4	Vic Bryant 301-670-0840		APPLICANT/Macris Hendricks 9220 Wightman Rd #120 Montgomery Village, MD 20886	
5	Toby Wilson 301-670-0840		APPLICANT/Macris Hendricks 9220 Wightman Rd #120 Montgomery Village, MD 20886	
6	Ed Papazian 703-674-1307		APPLICANT/Kimley-Horn 11400 Commerce Park Dr Reston, VA 20191	
7				
8				
9				
10				
11				
12				
			<b>TOTAL</b>	<b>0</b>

# SIGN-UP SHEET TO TESTIFY BEFORE THE PLANNING BOARD

## INSTRUCTIONS AND IMPORTANT INFORMATION

1. To testify on an item on the Planning Board's agenda, please fill out this form and give it to the Planning Board assistant at the end of the dais.
2. Written copies of testimony presented orally or copies of correspondence will not be distributed at the hearing.
3. All materials (PowerPoint and other electronic presentations, letters, photos, maps, etc.) that are shown during the Planning Board's public hearings will be entered into the official record and will not be returned to you.
4. Ceding time to others is no longer permitted under the Planning Board's Rules of Procedure. Those who wish to request additional time to speak at a hearing must do so by contacting the Planning Board Chair's office at least 24 hours before the hearing.
5. Time allotted to speakers on non-regulatory items is at the Chair's discretion. Public testimony is not generally taken on reconsideration requests, awarding of contracts, work sessions and roundtable discussion items.
6. While the Planning Board is in session: do not consume food or drink; do not hold signs; do not walk behind the dais. Silence all electronic devices. Be respectful of all speakers and the Board's deliberations: do not engage in booing, hissing, applauding, or other commentary from the audience.

ITEM 4 DANAC STILES - PRELIM PLAN LOT 7

### YOUR INFORMATION

- APPLICANT  
 COMMUNITY ASSOCIATION REPRESENTATIVE  
 ABUTTING PROPERTY OWNER       INDIVIDUAL       GOVERNMENT OFFICIAL

AGENDA ITEM NUMBER: 4      DATE: 12/6/12  
 YOUR NAME: \_\_\_\_\_  
 NAME OF GROUP YOU ARE REPRESENTING (IF ANY): TIM DUGAN SHULMAN ROGERS  
JAY JOHNSON CAMDEN SHADY GROVE  
JACK JAEGER DANAC  
TOBY WILSON MACRIS HENRICKS  
VIC BRYANT MACRIS HENRICKS  
 ADDRESS: \_\_\_\_\_      CITY: \_\_\_\_\_      STATE: \_\_\_\_\_      ZIP: \_\_\_\_\_  
ED PAPA ZIAN      KIMLEY HORN

The following order of speakers/testimony will be taken on all regulatory issues before the Planning Board:

- |    |  |                          |
|----|--|--------------------------|
| A. | Presentation of the Staff Report                   | 10 minutes (total)       |
| B. | Testimony from the Applicant                       | 15 minutes (total)       |
| C. | Testimony of Government Officials                  | 7 minutes (each person)  |
| D. | Testimony of Authorized Representatives            | 10 minutes (each person) |
|    | • Civic Associations                               |                          |
|    | • Homeowners Associations                          |                          |
|    | • Recognized Civic Entities                        |                          |
|    | • Other organized parties                          |                          |
| E. | Testimony of Adjoining or Abutting Property Owners | 5 minutes                |
| F. | Testimony of Individuals                           | 3 minutes                |
| G. | Rebuttal Testimony                                 | (Chair's discretion)     |

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**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 12-93  
Sketch Plan No. 320120050  
Camden Shady Grove  
Date of Hearing: July 26, 2012

**AUG 13 2012**

**RESOLUTION**

WHEREAS, under Section 59-C-15.42 of the Montgomery County Code the Montgomery County Planning Board ("Planning Board" or "Board") is authorized to review sketch plan applications; and

WHEREAS, on February 2, 2012, Camden USA, Inc. ("Applicant"), filed an application for approval of a sketch plan for construction of up to 498,072sf of residential uses and up to 5,000sf of non-residential uses on 7.62 gross acres of CR2 C1.5 R1.5 H150-zoned land, located on Parcel 7 in the northwest quadrant of the intersection of Key West Avenue and Diamondback Drive ("Subject Property") in the Great Seneca Science Corridor Master Plan ("Master Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320120050, Camden Shady Grove ("Sketch Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 11, 2012, setting forth its analysis of and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on July 26, 2012, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain binding elements and conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board approves Sketch Plan No. 320120050, Camden Shady Grove for construction of up to 498,072sf

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Approved as to  
Legal Sufficiency:

*Christina Sout* 7/18/12

M-NCPPC Legal Department

8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

[www.MCParkandPlanning.org](http://www.MCParkandPlanning.org) E-Mail: [mcp-chairman@mncppc.org](mailto:mcp-chairman@mncppc.org)

of residential uses and a minimum of 5,000sf of non-residential uses, on the Subject Property, subject to the following binding elements and conditions:<sup>1</sup>

A. Binding Elements. The following site development elements are binding under Section 59-C-15.43(b)(4) of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public use space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

1. Density

The development is limited to a maximum total of 503,072 square feet of development, including a maximum of 498,072 square feet of residential uses and a minimum of 5,000 square feet of non-residential uses. The final amount of residential and commercial floor area and the final number of dwelling units will be determined at site plan; but a minimum of five live/work units must be provided.

2. Height

The development is limited to a maximum height of 75 feet for occupiable space and 85 feet for architectural design elements.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-C-15.43(c); total points must equal at least 100 points and be chosen from at least 4 categories as required by Section 59-C-15.82(a); the requirements of Division 59-C-15 and the Implementation Guidelines must be fulfilled for each public benefit proposed.

- a. Transit proximity
- b. Connectivity and Mobility achieved through transit access improvements and wayfinding.

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<sup>1</sup> For the purpose of these binding elements and conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- c. Diversity of Uses and Activities achieved through provision of dwelling unit mix and enhanced accessibility for the disabled.
- d. Quality Building and Site Design achieved through provision of structured parking, public open space, and exceptional design.
- e. Protection and Enhancement of the Natural Environment achieved through the purchase of Building Lot Terminations ("BLT"s), tree canopy, vegetated area, and a cool roof.

4. Building Lot Terminations (BLTs)

Prior to release of any building permit, the Applicant must provide proof of purchase and/or payment for the required BLTs.

5. Moderately Priced Dwelling Units (MPDUs)

The development must provide MPDUs in accordance with Chapter 25A and with an agreement to build with the Department of Housing and Community Affairs finalized prior to any building permit for the building.

6. Transportation

At the time of Preliminary and Site Plan review, the Applicant must address the following issues:

- a. Amendment of the existing Traffic Mitigation Agreement with the Montgomery County Department of Transportation ("MCDOT") and the Planning Board completed under the previous zoning to satisfy I-3 trip reduction requirements and participate in the Greater Shady Grove Transportation Management Organization ("TMO") that was executed originally on August 28, 1989.
  - i. Whether trip credits will be applied as a result of the conversion from commercial to residential will be evaluated during preliminary plan review.
  - ii. The amended Traffic Mitigation Agreement must be executed prior to release of any core and shell building permit for the building.
- b. Provision of a public access easement for business district streets B-2 and B-7, as shown on the plan, on the record plat. The easement must be approved by the Planning Board and MCDOT, and should address the following issues:
  - i. Whether the existing internal roadways are adequately constructed and need not be demolished and reconstructed or modified to public standards and in accordance with the Road Code standards 2005.01 for B-2 and B-7 or, if not adequately constructed, need to be demolished and reconstructed or modified;
  - ii. Whether the existing sidewalks and other streetscape amenities associated with streets B-2 and B-7 that are not on Lot 7 are



- adequately constructed and need not be demolished and reconstructed or modified to standards in conformance with the Great Seneca Science Corridor ("GSSC") Master Plan and Design Guidelines or, if not adequately constructed, need to be demolished and reconstructed or modified;
- iii. Whether the proposed sidewalks and other streetscape amenities associated with streets B-2 and B-7 that are on Lot 7 and part of the Sketch Plan are in conformance with the GSSC Master Plan and Design Guidelines or, if not, need to be modified;
  - iv. Installation of public utilities will be permitted within the easement;
  - v. The streets within the easement may not be closed for any reason unless approved by MCDOT;
  - vi. The easement may be volumetric to accommodate uses above and below the designated easement area;
  - vii. The easement will grant the County the right to construct and install appropriate traffic control devices, if not required to be installed by the Applicant;
  - viii. The Applicant is obligated to remove snow and provide repairs to keep the streets in working order and open and if, for any reason, the Applicant does not, the County must have the right, but not the obligation, to remove snow and/or provide repairs;
  - ix. The final extent, delineation, and alignment of these streets will be determined at the time of site plan; and
  - x. Maintenance and Liability Agreements for each easement area will be entered into by the Applicant.
- c. The Applicant must coordinate with the developer of Site Plan No. 820100090, JHU-National Cancer Institute, regarding the improvements to the intersection of Key West Avenue and Diamondback Drive/Broschart Drive, which is adjacent to the site.
  - d. The Applicant must work with the Maryland Transit Administration ("MTA") to assure that the subject plans reflect the latest MTA alignment and design of the Corridor Cities Transitway ("CCT") along the west side of Diamondback Drive and its proposed station at the intersection of Diamondback Drive and business district street, B-2.
  - e. The Applicant must provide and show on the site plan bicycle parking spaces consisting of public bike racks near the main entrances in a weather-protected area and secure, private bike spaces in the garage near the elevator in a safe, well-lit area. The specific number and location must be identified and shown on the site plan.

## 7. Future Coordination for Preliminary and Site Plan

In addition to any other requirements of Chapter 50, Subdivision Regulations, and Chapter 59, Zoning Ordinance, the following must be addressed when filing the preliminary or site plan:

- a. Final alignment and design of streets and justification for not dedicating streets recommended to be public in the Master Plan;
- b. Final dedication and coordination with MTA engineering of the CCT station;
- c. Underground wet and dry utilities;
- d. Fire and Rescue access and facility details;
- e. Demonstration of how each public benefit meets the Ordinance and Guideline requirements and final point calculations;
- f. Implementation of transportation improvements;
- g. Implementation of stormwater management with Environmental Site Design methods to the maximum extent practicable;
- h. Compliance with forest conservation law;
- i. Consideration of building-to-street interface to maximize activation and safety;
- j. Consideration of ways to ensure public use space will be accessible, inviting, and safe.
- k. Focus on energy efficiency in site design, building orientation, and building design features;
- l. Consideration of shadows on primary public use spaces;
- m. Consideration of the Applicant's request for a parking space waiver;
- n. Consideration of final incentive density points; and
- o. Finalization of design and specifications of live work units.

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of § 59-C-15.43(c), the Planning Board finds that as conditioned herein the elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan. Specifically, the Planning Board FINDS the Sketch Plan:

*1. Meets the objectives, general requirements, and standards of Division 59-C-15;*

- a. The Sketch Plan meets the objectives of Section 59-C-15.2 quoted below; specifically, the development as approved will:
  - i. "Implement the policy recommendations of the applicable sector plan" by providing the residential uses, business opportunities, pedestrian circulation routes, and public benefits encouraged by the Master Plan. While the total density, height, and mix of uses envisioned is not yet obtained, full development of the campus may

- still implement this vision through subsequent applications on the remaining parcels as transit opportunities are realized and density increases allowing taller buildings and greater commercial opportunities;
- ii. "Target opportunities for redevelopment of single-use areas and surface parking lots with a mix of uses" by replacing a surface parking lot and lawn area with a residential building, structured parking, and live/work units;
  - iii. "Reduce dependence on the automobile by encouraging development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities" by providing housing with enhanced accessibility for the disabled, a mix of multi-family unit types, density adjacent to a proposed CCT station, access to the LSC recreation loop and numerous other bike routes, public open space and improved streetscapes, and a mix of diversity and connectivity public benefits;
  - iv. "Allow a mix of uses, densities, and building heights appropriate to various contexts to ensure compatible relationships with adjoining neighbors" by building residential and non-residential uses within the envelope established by the CR zone at a scale of development similar to existing and allowed buildings near the CCT station that allow densities up to 1.5 FAR and building heights up to 150 feet;
  - v. "Allow an appropriate balance of employment and housing opportunities" by providing diverse housing encouraged for this District in the Master Plan and potential employment for residents who occupy the live/work units as well as employees that will staff the complex; and
  - vi. "Provide public benefits that will support and accommodate density above the standard method limit" through the public benefits, as discussed in detail in Finding #5, that meet the requirements of the Ordinance and standards of the Implementation Guidelines.
- b. The Sketch Plan meets the general requirements of Section 59-C-15.6 as follows:
- i. Be substantially consistent with the GSSC Master Plan, as detailed in Finding #2 below, and substantially conform to the GSSC Design Guidelines by:
    - Creating public use spaces that allow for recreation; are visible and usable; have a strong relationship to adjacent live/work units, transportation nodes, and the pedestrian network; and are not separated by barriers (page 13);

- Providing improved streets with wide sidewalks, street trees, lighting, amenities, and connections to adjacent pedestrian and bike routes (pages 14 & 44);
  - Providing buildings as close to property lines as grades, stormwater areas, landscaping, and easements allow with access from units to perimeter sidewalks and, in particular, by providing live/work units along what will become a focal open space at the CCT station (pages 22 & 45);
  - Providing design excellence with a landmark feature on the building at the CCT station with a design vocabulary new to the area that will be further developed through the site plan process (page 27); and
  - Placing parking within a structure faced with residential uses (pages 18-19).
- ii. Provide at least the minimum required number of bicycle parking spaces for residents and visitors, as determined by the final unit count and non-residential space approved with the site plan; and
- iii. Provide parking spaces between the minimum required and maximum allowed, as determined by the final unit count and non-residential space approved with the site plan.
- iv. The sketch plan meets the development standards of Section 59-C-15.7, as shown in the Data Table below:

<i>Development Table for the CR1.5 C1.5 R1.5 H100 Zone</i>		
<b>Development Standard</b>	<b>Required/Allowed</b>	<b>Approved by the Planning Board and Binding on the Applicant</b>
<b>Max. Density (FAR)</b>		
Total	2.0	1.515
Residential	1.5	Up to 1.5
Commercial	1.5	Up to 0.015
<b>Max. Height (feet)</b>		
	150	75 for occupiable space 85 for non-occupiable architectural features
<b>Setbacks</b>		
	n/a	n/a
<b>Min. Public Use Space (% of net lot)</b>		
	10	10
<b>Min. Residential Amenity Space</b>		

Indoor	5,000sf	5,000sf
Outdoor	5,000sf	5,000sf
Min. Parking Spaces	TBD	TBD

*2. Furthers the recommendations and objectives of the Great Seneca Science Corridor Master Plan;*

The Great Seneca Science Corridor Master Plan has several specific recommendations satisfied by this project. As part of the Life Science Center North District (LSC North), the development will:

- Provide mixed-use infill with residential uses and pedestrian-oriented live/work units that may provide local services (page 48), although true realization of this objective will only be realized as further applications are made on the remaining parcels of the campus;
- Provide public benefits as detailed in Finding #5;
- Improve pedestrian and bicyclist connections, through dedication for the CCT and improvements to the sidewalks and paths along each of the property's frontages (page 53); and
- Achieve more sustainable development patterns through balanced land use, connectivity improvements, open spaces, enhanced stormwater management, and building design (pages 26-30).

*3. Achieves compatible internal and external relationships between existing and proposed nearby buildings, open space, and uses;*

The buildings and open spaces are compatible with existing nearby buildings, open spaces, and uses. Development on adjacent properties is related to this Application: a site plan amendment has been filed to move surface parking from the Subject Property to a structured garage on an adjacent lot and a preliminary plan amendment has been filed to convert uses from office to residential and to update the preliminary forest conservation plan. Compatibility with existing and pending development is achieved through:

- Similar massing envelopes, although with more articulation and diversity of materials;
- Modest height, comparable to other built and allowed development which may build up to 110 feet in the LSC Zone, and 85 – 150 feet in the CR Zones on surrounding properties;
- Creation of defined streetscapes and open spaces that will begin to transform the pedestrian environment and network;
- Replacement of surface parking with internal structured parking creating a stronger relationship between buildings, sidewalks, and streets; and

- Addition of a complementary mix of uses.

4. *Provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;*

Circulation, parking, and loading for cars, trucks, pedestrians, and bicyclists are well designed or enhanced by the development. Specifically, this Sketch Plan provides:

- Off-street loading areas for the residents from a business district street avoiding congestion on Key West Avenue and Diamondback Drive;
- Access to the residential building from the public streets at existing curb cuts;
- Increased parking for bicycles;
- Improved sidewalks, amenities, and open spaces for pedestrians and bicyclists;
- Sufficient parking within new structures for residents and visitors; and
- Sufficient area left clear of buildings, major improvements, or important amenities for proper dedication for the CCT during preliminary plan review.

5. *includes public benefits that support the approved incentive density;*

To achieve the incentive density for this project, the Applicant must provide public benefits from four of seven categories that total at least 100 points. The public benefit categories the Applicant proposes to utilize include:

<b>Public Benefit</b>	<b>Max Points Allowed</b>	<b>Points Recommended</b>
<b>Transit Proximity Category</b>		
Adjacent to Level 2 CCT Station	30	30
<b>Connectivity &amp; Mobility Category</b>		
Transit Access Improvement	20	15
Wayfinding	10	5
<b>Diversity Category</b>		
Dwelling Unit Mix	10	10
Enhanced Accessibility	20	6
<b>Quality Design Category</b>		
Structured Parking	20	10
Public Open Space	20	8
Exceptional Design	10	5
<b>Environmental Category</b>		
BLTs	30	5
Tree Canopy	15	10

Vegetated Area	10	8
Cool Roof	10	8
<b>Total</b>		<b>120</b>

Generally

General incentive density considerations are established by the zoning ordinance and include:

- The recommendations of the master plan;
- The Incentive Density Guidelines and master plan guidelines;
- The size and configuration of the tract;
- The relationship of the site to adjacent properties;
- The presence or lack of similar public benefits nearby; and
- Enhancement beyond the criteria required for the public benefits.

The Master Plan has few specific recommendations for this site and generally encourages “public benefits that improve connectivity and mobility or add to the diversity of uses and activity” in this District (page 48). In even more general terms, the Master Plan focuses on several issues: Linking Land Uses/Connecting Communities (page 20), Housing (page 23); Urban Form and Open Spaces (page 25); Sustainability (page 26); and Community Facilities, Open Spaces, and Connectivity (page 30).

The Sketch Plan proposes taking advantage of the transit proximity and four public benefits from the connectivity and diversity categories to satisfy the recommendations for the District and the Linking Land Uses/Connecting Communities and Housing foci of the Master Plan. To satisfy the Urban Form and Open Spaces and Community Facilities, Open Spaces, and Connectivity foci, the Sketch Plan proposes open space above the minimum required amount, structured parking designed consistent with the Guidelines, and exceptional design to create a landmark architectural feature and open space at the CCT station. The Sustainability element of the Master Plan is satisfied through provision of BLTs, tree canopy, vegetated area, and a cool roof to improve water and air quality, mitigate climate change, and protect biological diversity.

Being a rather large site with the highest density recommended in the Master Plan, the Sketch Plan takes advantage of the tract and density to provide structured parking faced with active uses and open space above the minimum required, focused appropriately on the CCT station.

This development is the first proposed CR-zoned application on the west side of the LSC North District; it is one of the few sites directly adjacent to one-family residential development. It is also the first sketch plan for a site with an adjacent CCT station. Thus, the Sketch Plan proposes public benefits to take advantage

of transit proximity and provide increased connectivity with active open spaces near the CCT station and connecting trails rather than within the site and nearer the adjacent residential development.

There are no nearby developments that have provided public benefits to compare with this development. Although the Application does not qualify for points for live/work units, they are being provided to allow a flexible non-residential use near the CCT. As development proceeds, future applications will find a better market for neighborhood-serving retail and services, although this Application focuses on housing for the employees of the LSC area. This proposal is one of a few different attempts to experiment with a mix of uses that is sustainable from inception (and in a still suburban environment) and it can evolve as density and transit opportunities are realized.

#### Transit Proximity

Being adjacent to a CCT station (level 2 transit) and, in fact, dedicating right-of-way for the station and alignment, the Sketch Plan is eligible for 30 points. The Planning Board is granting the full 30 points to spur development and increase the likelihood that a mix of uses in the area will become more financially viable.

#### Transit Access Improvement

Up to 20 points may be granted for transit access improvements. These improvements must improve access to a transit facility to at least meet the County's accessibility standards. In this case, the proposed CCT station must be built about 8 feet below grade and is only accessible by stairs or by walking (or rolling) to the intersection of Diamondback Drive and Decoverly Drive. An alternative is proposed by this development – switch-back ramps integrated into the open space directly adjacent to the station platform. This is an intensive and complicated improvement and implements an important Master Plan goal. The Planning Board is granting 15 points for construction of this Transit Access Improvement.

#### Wayfinding

Up to 10 points may be granted for the design and implementation of a wayfinding system. The Application proposes several signs at key intersections and the CCT station providing directional signage to nearby amenities, bike routes, and transit facilities. Although the final design and layout will be determined at site plan, the Planning Board requests at least 7 signs be provided and that each have a map encompassing the area within at least a ½ mile radius from the CCT station indicating directions to certain features as appropriate for



the individual sign locations. Based on fulfillment of these criteria that will encourage the Linking & Connecting goals of the Master Plan, the Planning Board is granting 5 points for implementation of the wayfinding system.

#### Dwelling Unit Mix

Up to 10 points may be granted for providing a dwelling unit mix that includes at least 7.5% efficiency units, 8% 1-bedroom units, 8% 2-bedroom units, and 5% 3-or-more bedroom units. Under the Guidelines, the Planning Board should only grant 5 points for meeting the minimum unit mix and 10 points only for a greater mix (10% efficiency, 10% 1-bedroom, 10% 2-bedroom, and 7.5% 3-bedroom). But, because diversity of housing is a specific Master Plan goal for this District and the fact that some of these units will be live/work, further enhancing the diversity of uses and activities, the Planning Board is granting the full 10 points for provision of the unit mix required by the Ordinance.

#### Enhanced Accessibility for the Disabled

Up to 20 points may be granted for constructing units that satisfy ANSI A117.1 Residential Type A standards. The Guideline formula is that one point be granted for each percent of units that meet the criteria but Staff has finalized a revised draft of the Guidelines that will be reviewed by the Planning Board in September. In the revised draft, Staff recommends that three points be granted for each percent of units that meet the criteria. Like the dwelling unit mix, this public benefit helps fulfill a Master Plan goal and, in this case, 2% of the units are proposed to ANSI A117.1 standards and that the Planning Board is granting 6 points for the provision of this benefit.

#### Structured Parking

Up to 20 points may be granted for provision of parking within a structure. A formula dividing the parking provided within an above-ground structure by the total parking provided and multiplying the result by 10 has been approved in the guidelines (below ground parking spaces are eligible for double the points because of the greater cost). The parking is wrapped by residential uses so mitigation of visibility is not a concern. In this case 99% of the parking is within an above grade structure, therefore the Planning Board is granting 10 points for the provision of this benefit.

#### Public Open Space

Up to 20 points may be granted for providing public open space above the minimum required by the zone. The Guideline formula requires dividing the proposed amount of open space above the minimum required by the zone divided by the net tract area and then multiplied by 100. Eight percent of the net tract area (above the minimum 10% required by the zone) is being provided as public open space. This area is near a CCT station, which is recommended for

open space of  $\frac{1}{4}$  to  $\frac{1}{2}$  acres. The open space provided at the station alone is about 0.4 acres. The design also meets the accessibility, size, and activation criteria of the guidelines, therefore the Planning Board is granting 8 points for this public benefit.

#### Exceptional Design

Up to 10 points may be granted for building and site design whose visual and functional impacts enhance the character of the setting. The Guidelines have established 6 criteria to evaluate the exceptional design public benefit and recommends that the Application meet at least five of these criteria for the full 10 points. The Planning Board concludes that three of these criteria are met:

- Providing an innovative solution in response to the immediate context by, in this case, creating a site design that accommodates and integrates a transit station below grade with public space and pedestrian and bicycle routes;
- Creating a sense of place and serving as a landmark through the architectural treatment at the corner of Key West and Diamondback and the distinct design vocabulary and amenities provided at the station open space; and
- Enhances the public realm in a distinct and original manner through turning a difficult context with evolving variables into an asset through unique landscape design, integration of various unit types (bedroom mix, enhanced accessibility units, and live/work units), and construction of a street-focused building in a currently suburban environment.

For these reasons, the Planning Board grants 5 points for this public benefit (with the final analysis being done at site plan).

#### BLTs

Five points are required for CR-zoned optional method projects and are calculated by a formula established in the Ordinance. The Applicant will provide the BLTs as required and the Planning Board grants the 5 required points for this public benefit.

#### Tree Canopy

Up to 15 points may be granted for tree canopy coverage at 15 years growth over 25% of the on-site open space. The important sustainability goals of improving air and water quality as well as protection of biodiversity are enhanced by tree canopy. Because no underground structures are involved and the conceptual landscape design shows large planting areas, the Planning Board grants 10 points for this public benefit. A larger area of coverage, use of only native trees, or large planting size may be considered for the full 15 points.

#### Vegetated Area

Up to 10 points may be granted for installation of plantings meeting certain criteria, including coverage of at least 5,000sf. The Sketch Plan proposes vegetated area of 8,500sf which is not included in the required public use space, the proposed public benefit open space, or any easements. Ten points are granted only for projects that far exceed the minimum – up to twice the area required (10 points for 10,000sf) – and points are awarded on a pro-rated basis below that. In this case, the Planning Board grants 8 points for this public benefit.

#### Cool Roof

Up to 10 points may be granted for constructing roofs with a minimum solar reflectance index (“SRI”). The Applicant proposes to meet the minimum SRI for a flat roof. As seen in the aerial photograph of the area, the District is dominated by dark roofs, parking lots, and roads; decreasing the heat island effect and making a more energy efficient building are encouraged by the sustainability goals of the Master Plan. For this reason and because this is such a large building, the Planning Board grants 8 points for this benefit.

6. *Establishes a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The development may be built in one phase. Thus, no particular provisional phasing plan is required at this stage of design; a full development program to establish phasing of the elements required by this Application will be developed and analyzed during preliminary and site plan reviews.

BE IT FURTHER RESOLVED that at the time of site plan, the Planning Board may approve changes to this Sketch Plan under certain circumstances. If the Applicant proposes to change a condition of approval or binding element, or agrees to a change proposed by another party, the proposed change must satisfy the requirements for approval of a sketch plan and site plan, including Section 59-C-15, Section 59-D-3.4, and the Great Seneca Science Corridor Master Plan. If Staff proposes to change a condition of approval or binding element, however, the Board may approve the change if necessary to ensure conformance with Section 59-C-15, Section 59-D-3.4, or the Master Plan. In other words, for the Board to approve an Applicant-proposed change of a binding element it must find consistency with applicable standards; for the Board to approve a modification to a Staff-proposed binding element that the Applicant has not agreed to, the Board must find that the proposed change is necessary to meet the site plan approval standards, including conformance with zoning and Master Plan requirements.

Alternatively, based on detailed review of a site plan, the Board may find that any element of the approved Sketch Plan, including a binding element, does not meet the requirements of the zone, Master Plan, or other findings necessary to approve a site plan, and deny the site plan application.

The Board's review of sketch plans is governed by Section 59-C-15.43, which provides that "in approving a sketch plan" the Board must find that certain elements of the sketch plan are "appropriate in concept and appropriate for further detailed review at site plan." Because the Board's approval of a sketch plan is in concept only and subject to further detailed review at site plan, it necessarily follows that the Board may find, based on detailed review of a site plan, that any element of a sketch plan does not meet the requirements of the zone, master plan, or other requirements for site plan approval. The Board does not have the authority at the time of sketch plan to predetermine that any element of the sketch plan will satisfy all applicable requirements for site plan approval. As a practical matter it would be unwise for it to do so, due to the limited detail contained in a sketch plan and the sketch plan's unlimited validity period. If the Board were unable to require changes to binding elements at the time of site plan to ensure compliance with all code and master plan requirements, the Board might have decided to approve fewer elements of this Sketch Plan as binding.

Although the Board does not have the authority to provide complete certainty about the conditions of approval or binding elements of a sketch plan, this does not mean that the Board should or will require changes to an approved sketch plan without good reason. To do so would be inefficient and unfair to Applicants and community members whose expectations about the future shape of development will be formed by what the Board approves in a sketch plan; and

BE IT FURTHER RESOLVED that all elements of the plans for Sketch Plan No. 320120050, Camden Shady Grove, stamped received by M-NCPPC on May 23, 2012 are required except as modified herein; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is AUG 13 2012 (which is the date that this Resolution is mailed to all parties of record); and

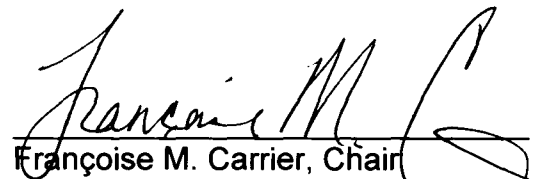
BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

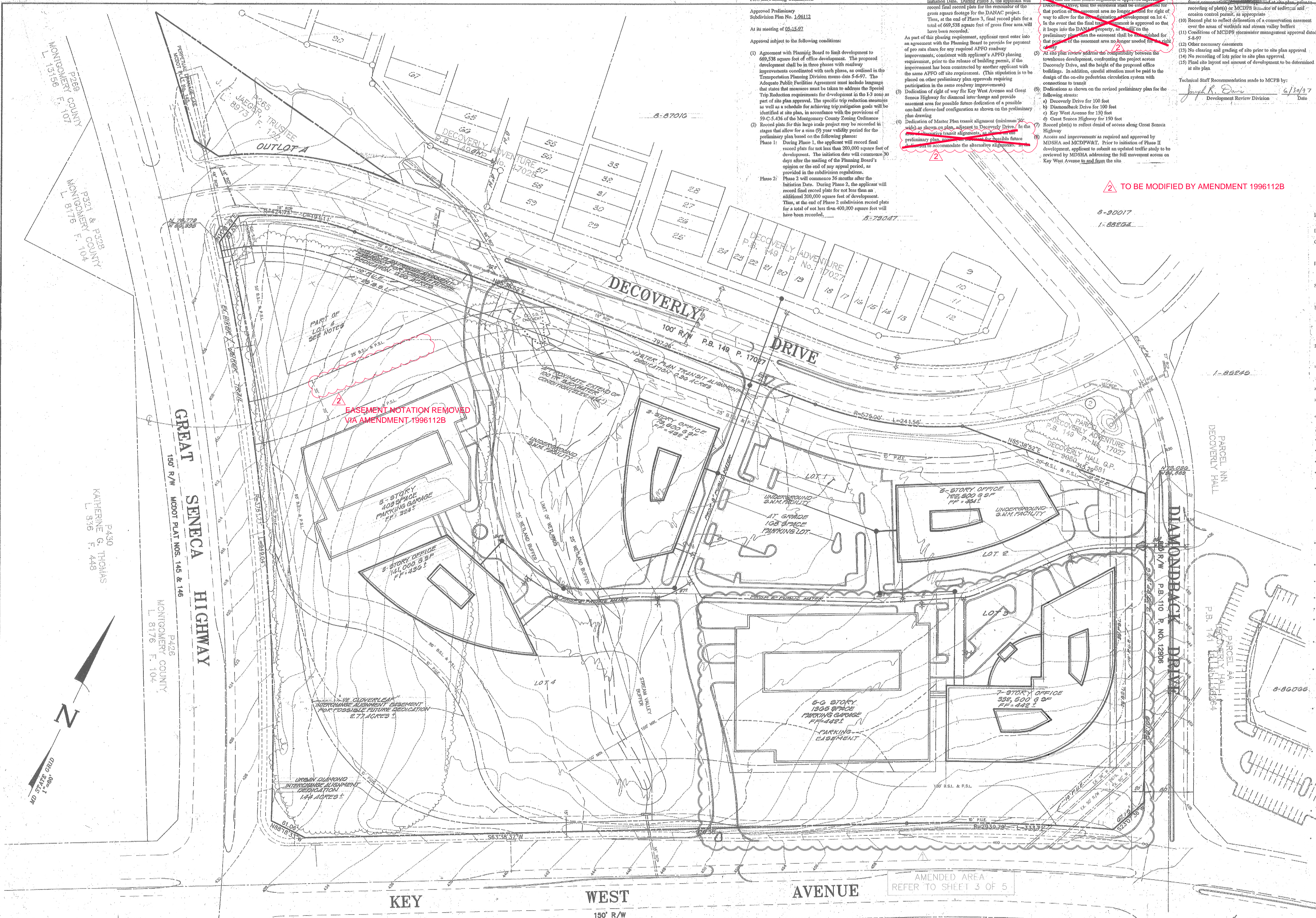
Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

**CERTIFICATION**

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 Drefyuss, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion at its regular meeting held on Thursday, July 26, 2012, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board



The Maryland National Capital Park and Planning Commission

Approval Preliminary Subdivision Plan No. L96112

At its meeting of 05-15-97

Approval subject to the following conditions:

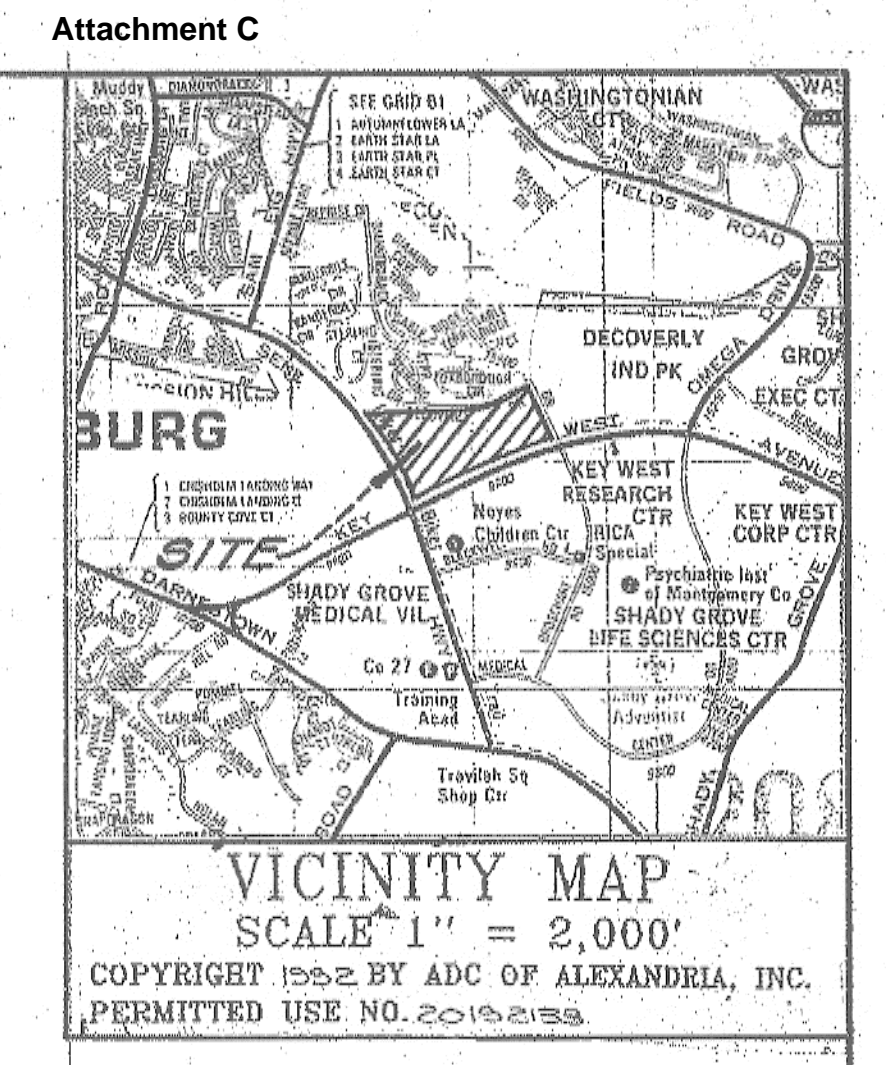
- Agreement with Planning Board to limit development to 669,538 square feet of office development. The proposed development shall be in three phases with roadway improvements coordinated with such plans, as outlined in the Transportation Planning Division memo dated 5-5-97. The Adequate Public Facilities Agreement must include language that states that measures must be taken to address the Special Trip Reduction requirements for development in the I-27 area as part of site plan approval. The specific trip reduction measures as well as a schedule for achieving trip reduction goals will be identified at the site plan, in accordance with the provisions of 59 C.S. 138 of the Montgomery County Zoning Ordinance.
- Record plat for this large scale project may be recorded in stages that allow for a nine (9) year validity period for the preliminary plan based on the following phases:
  - Phase 1: During Phase 1, the applicant will record final record plat for not less than 200,000 square feet of development. The initiation date will commence 30 days after the mailing of the Planning Board's opinion or the end of any appeal period, as provided in the subdivision regulations.
  - Phase 2: Phase 2 will commence 36 months after the initiation date. During Phase 2, the applicant will record final record plat for not less than an additional 200,000 square feet of development. Thus, at the end of Phase 2 subdivision record plat for a total of not less than 400,000 square feet will have been recorded.
  - Phase 3: Phase 3 will commence 36 months after the initiation date. During Phase 3, the applicant will record final record plat for the remainder of the gross square footage for the DANAC project. Thus, at the end of Phase 3, final record plat for a total of 669,538 square feet of gross floor area will have been recorded.

As part of this planning requirement, applicant must enter into an agreement with the Planning Board to provide for payment of pro rata share for any required APFO roadway improvements, consistent with applicant's APFO planning requirements, prior to the release of building permits. If the improvement has been constructed by another applicant with the same APFO off site requirement. (This stipulation is to be placed on other preliminary plan approvals requiring participation in the same roadway improvements)

- Dedication of right of way for Key West Avenue and Great Seneca Highway for diamond interchange and provide easement area for possible future dedication of a possible one-half clover-leaf configuration as shown on the preliminary plan drawing.
- Dedication of Master Plan transit alignment (minimum 50' wide) as shown on plan, adjacent to Decoverly Drive. In the event that the final transit alignment is approved adjacent to that portion of the easement area no longer needed for right of way to allow for the final transit alignment development on lot 4. In the event that the final transit alignment is approved so that it loops into the DANAC property, as shown on the preliminary plan, then the easement shall be established for that portion of the easement area no longer needed for right of way.
- At this plan review address the compatibility between the townhouse development, confronting the project across Decoverly Drive, and the height of the proposed office buildings. In addition, careful attention must be paid to the design of the on-site pedestrian circulation system with connections to transit.
- Dedications as shown on the revised preliminary plan for the following streets:
  - Decoverly Drive for 100 feet
  - Diamondback Drive for 100 feet
  - Key West Avenue for 150 feet
  - Great Seneca Highway for 150 feet
- Record plat(s) to reflect details of access along Great Seneca Highway.
- Access and improvements as required and approved by MDSA and MCDPWAT. Prior to initiation of Phase II development, applicant to submit an updated traffic study to be reviewed by MDSA addressing the full movement access on Key West Avenue to and from the site.

Compliance with conditions of approval of the preliminary plan, including but not limited to the following: (1) recording of plat(s) or MCDPDS in accordance with the provisions of the Subdivision Regulations, as appropriate; (2) Record plat to reflect delineation of a conservation easement over the areas of wetlands and stream valley buffers; (3) Conditions of MCDPDS stormwater management approval dated 5-4-97; (4) Other necessary easements; (5) No clearing and grading of site prior to site plan approval; (6) No recording of lots prior to site plan approval; (7) Final site layout and amount of development to be determined at site plan.

Technical Staff Recommendation made to MCFB by: *Joseph A. Davis* 6/30/97  
Development Review Division Date



**DEVELOPMENT STANDARDS**

Requirement	Required/Minimum	Provided
Building Height (59-C-5.31):	100 ft. max.	100 ft.
Coverage (59-C-5.32) of Gross Tract:		
- Green Area	35% Min.	31%
- Off-Street Parking	55% Min.	59%
Density of Development (59-C-5.32):	0.68 FAR w/TMA or 0.50 FAR w/TMA 0.50 FAR (669,538 s.f. GFA)	0.69 FAR w/TMA (669,500 s.f. GFA)
Setbacks From Abutting Lot (59-C-5.34 (a)(3)):		
- Buildings	20 ft.	20 ft.
- Parking	20 ft.	0 ft.
Setbacks From Roadways (59-C-5.34 (a)(4)):		
- From Great Seneca Highway	50' DSU, 50' FSU, 50' FSU, 50' FSU	50' DSU, 50' FSU
- From Key West Avenue	100' DSU, 100' FSU	100' DSU, 100' FSU
- From Diamondback Drive	25' DSU, 35' FSU	25' DSU, 35' FSU
- From Decoverly Drive	100' DSU, 50' FSU	100' DSU, 50' FSU
- From Transitory	25' DSU, 25' FSU	25' DSU, 25' FSU
Parking Spaces in the North Central Office Parking Policy Area (59-B-3.2):	669,538 GSF @ 2.9/1,000 GSF = 1,942 spaces	1,942 spaces

Amounts indicated as provided reflect the development as graphically shown on the Preliminary Subdivision Plan. Final amounts will be determined at Site Plan (59-B-3) not to exceed the amounts required/minimum.

Excluding easements/encumbrances for Possible Future Dedication.

Plus an additional one foot setback for every two feet of building height over 40 feet.

May be reduced by the Planning Board at time of site plan review.

**NOTES**

- Boundary from deeds and plats of record.
- Topography from field survey by MHQ, 2 foot contour interval.
- Property is zoned I-3 (Technology and Business Park) by SMA C-75A.
- Water and sewer category: W-1 & S-1. Sewer Service Area Category Change for S-1 approved by 96A-G103-01.
- Area calculation:
  - Gross tract area (total I-3) = 39.74 ac.
  - Area previously dedicated to public use = 2.256 ac.
  - Residue = 37.48 ac.
  - 100 year flood plain > 30 acres = 6.000 ac.
  - Area to be dedicated to public use = 2.440 ac.
  - Net tract area (total I-3) = 30.045 ac.
  - Parcel 265 (zoned R-60/TDR) = 0.725 ac.

This plan proposes the development of a residential development of 669,538 s.f. GFA. The specific lot size(s), lot size and configuration, and building size and configuration will be determined at the Site Plan stage of review.

Lot development may proceed in any sequence reflecting market preference, and/or transit and roadway improvement implementation.

This site is within the Shady Grove Study Area of the Gaithersburg vicinity planning area.

This site is within the R & D Village transportation policy area.

This site is within the Muddy Branch Watershed (Class II).

A Natural Resources Inventory Map/Forest Stand Delineation Plan has been approved by M-NCP&PC Environmental Planning Division, Reference No. 4-95161.

Servicing utility companies are:

- Water and Sewer: WSSC
- Electric: PEPCO
- Telephone: Bell Atlantic
- Natural Gas: Washington Gas

The locations of existing underground utilities are shown in their appropriate locations as per available utility company records. The exact location of all underground utilities should be verified by "White Dials" (1-800-257-7777) prior to any excavations. MDC, HMD&H and Chesapeake, P.A. does not express or imply any guarantee or warranty as to the location or existence of any underground utility.

Areas are delineated to accommodate two options for a possible future grade-separated interchange at the intersection of Key West Avenue and Great Seneca Highway. Areas are delineated to accommodate two options for a possible future transitory alignment near Decoverly Drive and Great Seneca Highway. The configurations of the areas reflect preliminary interchange designs and transitory alignments as provided by the MNCPPC Transportation Planning Division.

The 0.725 acre Outlot A (existing Parcel 265) at the northeast quadrant of Great Seneca Highway and Decoverly Drive is part of this Preliminary Subdivision Plan subject area. The Parcel is zoned R-60/TDR, and is not included in the Gross Tract Area for the purposes of FAR or coverage computations for this plan.

Lot 4 is shown as served by an alternative transitory alignment Easement for Possible Future Dedication. If this alignment is not implemented, the development on Lot 4 may be reconfigured to include the Easement area and the severed portion of Lot 4.

The areas of forest conservation, all-terrain, wetlands, and stream valley buffers shown on this plan are preliminary and may require refinements prior to Final Forest Conservation Plan approval. Conservation easements will be established upon approval of the Final Forest Conservation Plan.

This Preliminary Subdivision Plan has been prepared in collaboration with the design team of:

DNC Architects, Incorporated  
1370 Piccadilly Drive  
Rockville, Maryland 20850

Robert L. Morris, Incorporated  
P.O. Box 3423  
Bethesda, Maryland 20827-0230

Wilkes, Artis, Heald and Lutz, Chartered  
3 Bethesda Metro Center, Suite 800  
Bethesda, Maryland 20814

5-23-13 MODIFICATION OF CONDITION #4, PLAN # 1-96112

2-14-12 ADDITIONAL DEDICATION AND CHANGE OF USE

5-8-97 MEDIAN DEDICATION FOR DIAMONDBACK DR

4-18-97 ADDITIONAL DEDICATION TO DIAMONDBACK DRIVE

REVISED 12-28-96 PER TRANSIT. MAP REQUIREMENT AND RMCPPC COMMENTS. L.S.

P.850 MONTGOMERY COUNTY L. 3886 F. 776

Professional Certification: I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Engineer under the laws of the State of Maryland, License No. 16905, Expiration Date: 4-21-2014. *Stephen E. Crum, P.E.*

**FOR AMENDMENT 11996112B**

APPLICANT: CAMDEN USA, INC., A DELAWARE CORPORATION  
1420 SPRING HILL ROAD, SUITE 200  
MCLEAN, VA 22102  
CONTACT: MARK COLETTA,  
VICE PRESIDENT OF REAL ESTATE INVESTMENTS  
PHONE: (703) 556-5766  
EMAIL: MCOLETTA@CAMDENLIVING.COM

**DANAC CORPORATION**  
Real Estate Development • Construction • Management • Brokerage  
7200 Wisconsin Avenue, Suite 901  
Bethesda, Maryland 20814 • (301) 657-2800

TAX MAP # F3 341

**DANAC'S STILES PROPERTY**  
ELECTION DISTRICT NO. 9  
MONTGOMERY COUNTY, MARYLAND

Macris, Hendricks and Glascock, P.A.  
Engineers • Planners • Surveyors  
Suite 120  
8220 Wighman Road  
Gaithersburg, Maryland 20878  
(301) 670-0840

Designed: JES  
Drawn: GAD-13  
Date: 10/24/96  
Scale: 1" = 60'  
Job No.: 82-104  
Sheet: 5 of 5

AMENDED AREA REFER TO SHEET 3 OF 5

AMENDMENT 11996112B

PRELIMINARY PLAN OF SUBDIVISION

PLANT LIST for forest conservation mulch plantings:

KEY	QTY	BOTANICAL NAME	COMMON NAME	CAL.	HST.	SPRD.	ROOT.
shrubs							
⊖	30	Itea virginica	Virginia Sweetpire				#3 cont.
⊙	45	Clethra alnifolia	Summersweet Clethra				#3 cont.

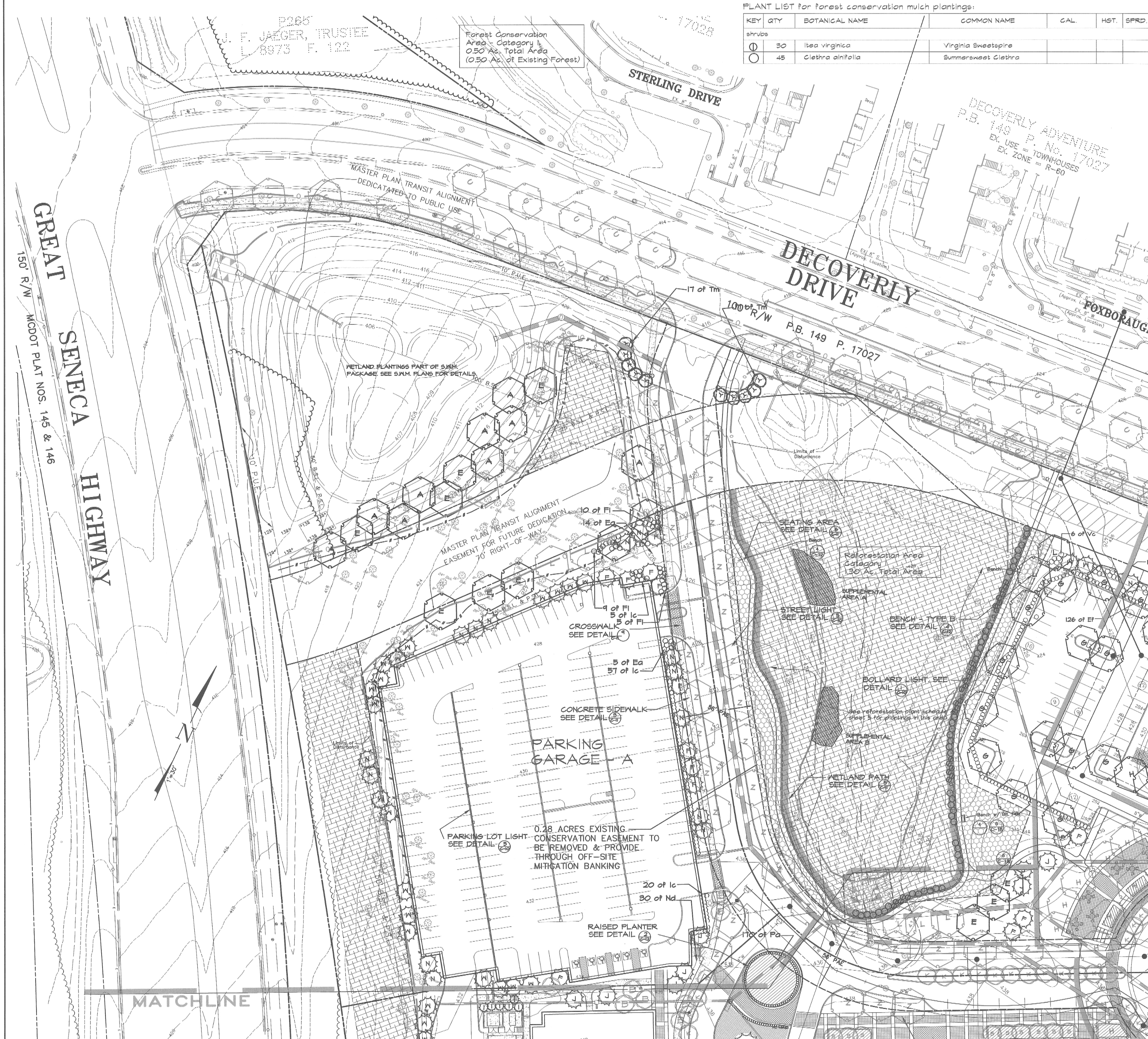
Legend

- Itea virginica - see plant list
- Clethra alnifolia - see plant list
- Existing Forest Areas And Treed Areas To Remain
- Shade Tree
- Ornamental Tree
- Evergreen Tree
- Shrub Hedge
- Groundcover
- Existing Forest
- Proposed Forest
- Tree Protection Fence Only
- Tree Protection Fence & Root Pruning
- Forest Conservation Easement Removed and provided off-site 0.28 acres
- Proposed 56' PAE
- 6' Mulched Area

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
 FOREST CONSERVATION PLAN  
 SUBMITTED FOR PLANNING BOARD APPROVAL

Plan No. 11996112A  
 Signature: *Richard Finley* 10/31/2012  
 Date

Forest Conservation Area Category 1  
 0.50 Ac. Total Area  
 (0.30 Ac. of Existing Forest)

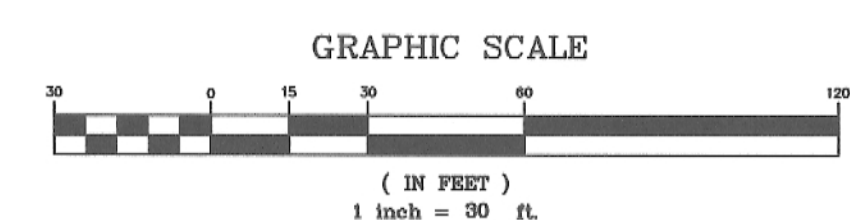


ALL AREAS INSIDE OF THE ASPHALT PATH ARE TO REMAIN IN A NATURAL STATE. A 6' MULCH BORDER DIRECTLY ADJACENT TO THE PATH IS PERMITTED. CURRENT AREAS OF TURF SHALL BE OVERSEED WITH A NATIVE WILDFLOWER SEED MIX AT LEAST TWICE - ONCE IN OCTOBER AND AGAIN THE FOLLOWING APRIL.

THE EXISTING 5 LIGHTED BOLLARDS WITHIN THE EASEMENT MAY REMAIN IN THE CONSERVATION EASEMENT. MNCPPC MUST BE NOTIFIED OF ANY WORK TO THE BOLLARDS THAT MAY RESULT IN LAND DISTURBANCES WITHIN THE CONSERVATION EASEMENT, BUT MNCPPC CAN NOT DENY ANY REASONABLE REPAIR OR REPLACEMENT OF THE BOLLARD.

**DEVELOPER'S CERTIFICATE**  
 The Undersigned agrees to comply with the features of the Approved Final Forest Conservation Plan No. 20000018D (including financial bonding, forest planting, maintenance, and all other applicable agreements).

Developer's Name: **Danac Corporation**  
 Project Contact Name: **John F. Jaeger, Trustee**  
 Contact Person or Owner: **John F. Jaeger, Trustee**  
 Project Name: **7501 Wisconsin Ave, Suite 1120**  
 Address: **Bethesda, MD 20814**  
 Phone and Email: **301-657-2800**  
 Signature: \_\_\_\_\_



NO.	DATE	DESCRIPTION	BY
1	06.13.12	amend per #8-2000018D	VSB
		amend lot 7	



**FC - 5**

TAX MAP FS-341 WSSC 220 NW 10

**FINAL FOREST CONSERVATION**

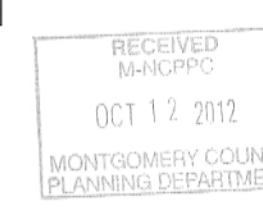
**DANAC STILES**

9TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

**Macris, Hendricks & Glascock, P.A.**  
 Engineers • Planners • Surveyors  
 (301) 670-0840 Suite 120  
 FAX (301) 948-0693 9220 Wightman Road  
 WWW.MHGPA.COM Montgomery Village, Maryland  
 20886-1279

Designed: VSB  
 Date: 6.13.12  
 11.148.13

Drawn: VSB  
 Scale: 1"=30'  
 Job No.: 11.148.13  
 Sheet: 5 of 8



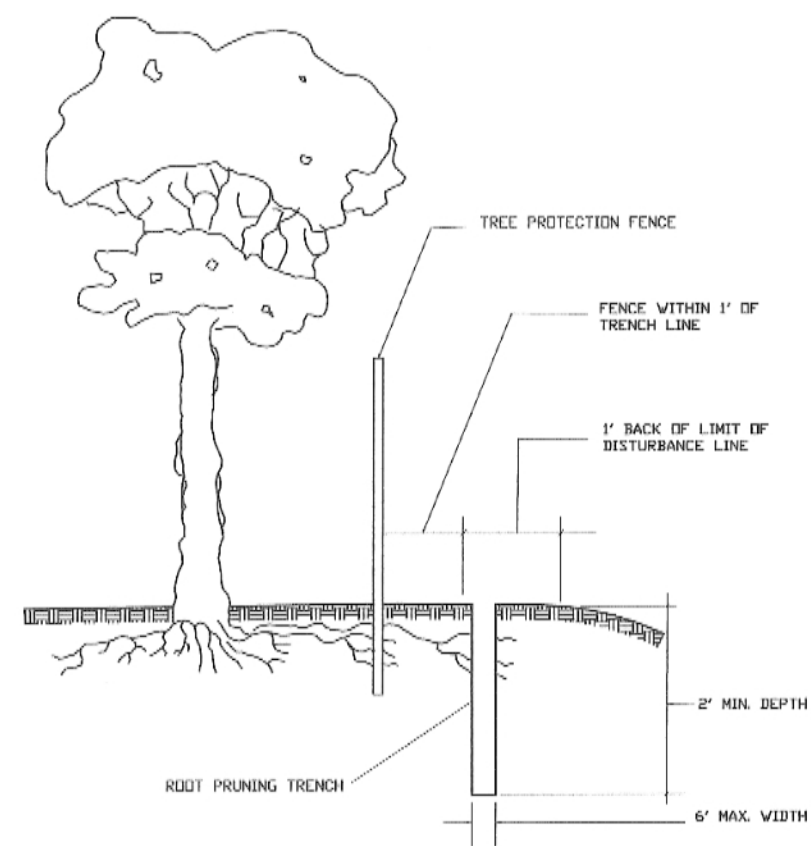
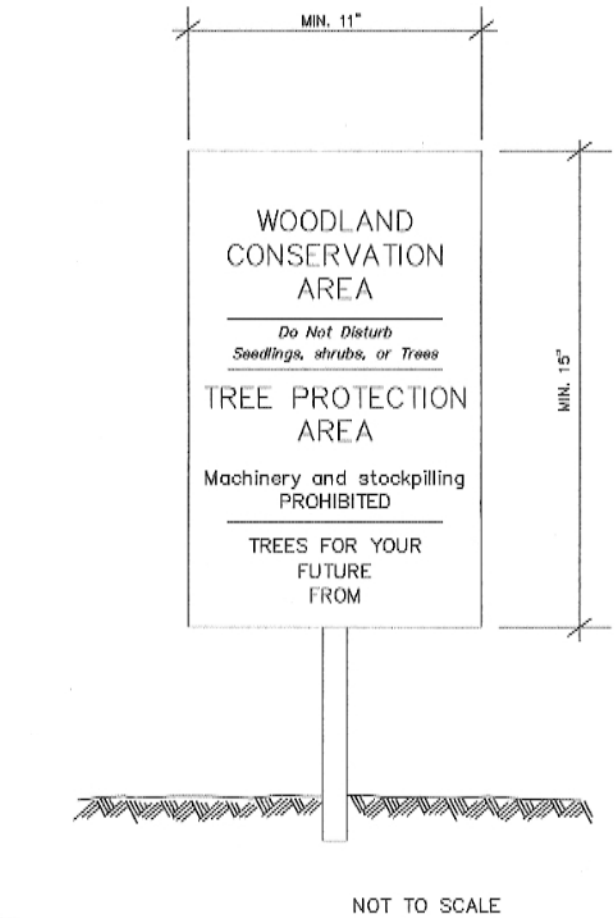
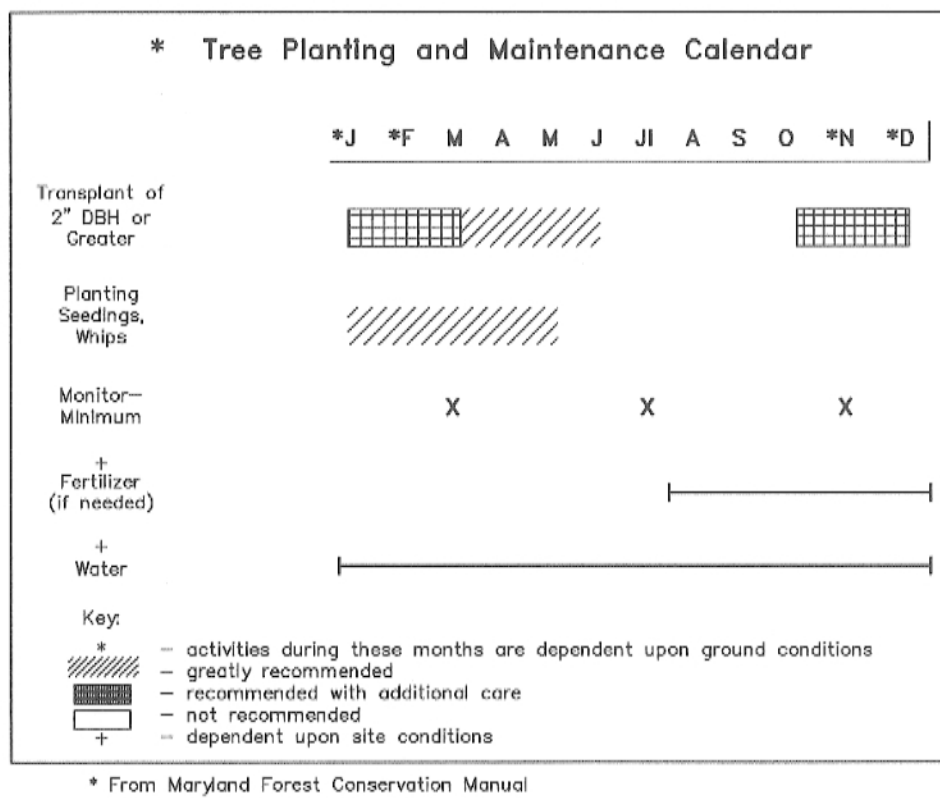
RECEIVED  
 MNCPPC  
 OCT 17 2012  
 MONTGOMERY COUNTY  
 PLANNING DEPARTMENT

ON-SITE FOREST CONSERVATION PLANT SCHEDULE B

Qty.	Botanical Name	Common Name	Hgt.	Misc.
5	Acer rubrum	Red Maple	2" Cal.	B&B
4	Liriodendron tulipifera	Tulip Poplar	2" Cal.	B&B
4	Quercus alba	White Oak	2" Cal.	B&B
4	Cornus florida	Flowering Dogwood	1 1/2" Cal.	B&B
3	Nyssa sylvatica	Black Gum	2" Cal.	B&B
3	Sassafras albidum	Sassafras	5-6'	Cont.
2	Viburnum acerifolium	Mapleleaf Viburnum	18-24"	Cont.
2	Prunus virginiana	Choke Cherry	18-24"	Cont.
3	Kalmia latifolia	Mountain Laurel	18-24"	Cont.

NOTE: The 0.24 acre Forest Conservation Easement will be planted with the above plant material at a rate of:

- 100 2" Cal. trees/acre x 0.24 acres = 24 trees
- shrub species shall be planted at 1/3 the rate of trees: 24 trees x 1/3 = 8 shrubs
- The mix shall be 60% dominant species and 40% understory species planted a maximum of 10' on-center.



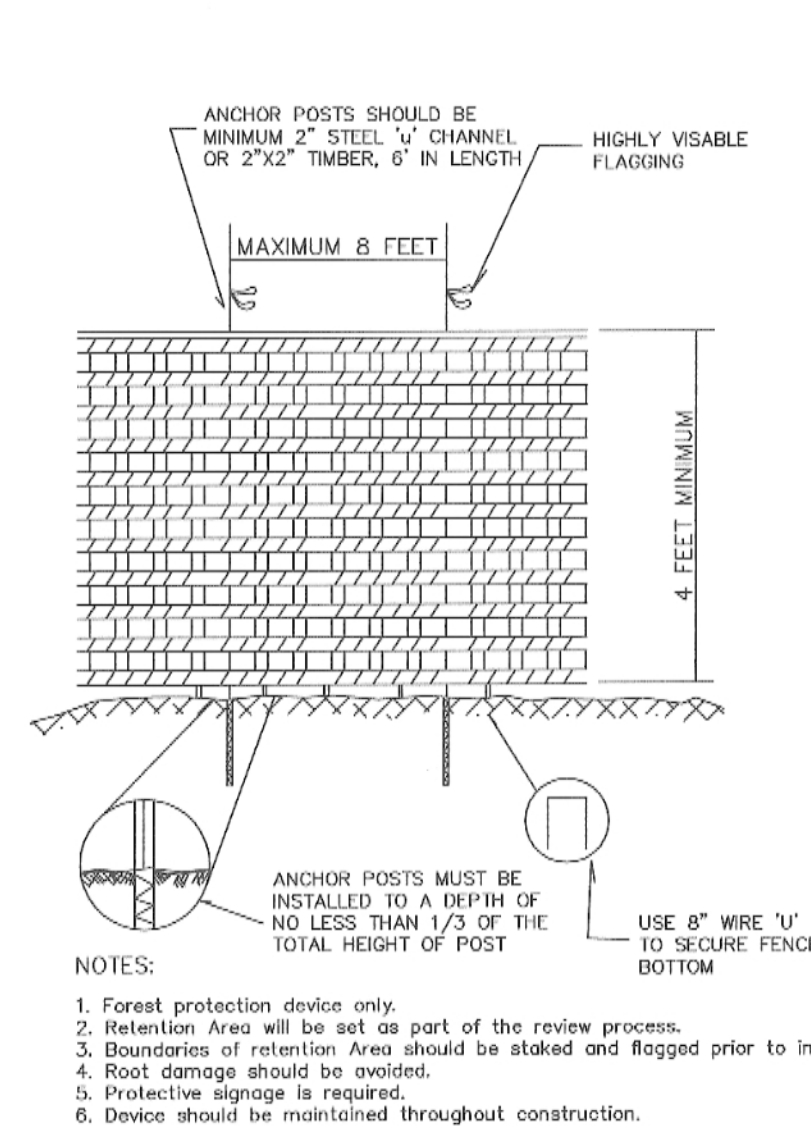
NOTE:

1. Retention Areas will be set as part of the review process.
2. Boundaries of Retention Areas should be staked and flagged prior to trenching.
3. Exact location of trench should be identified.
4. Trench should be immediately backfilled with soil removed or other high organic soil.
5. Roots should be clearly cut using vibratory knife or other acceptable equipment.

ROOT PRUNING



BLAZE ORANGE PLASTIC MESH



FOREST CONSERVATION WORKSHEET

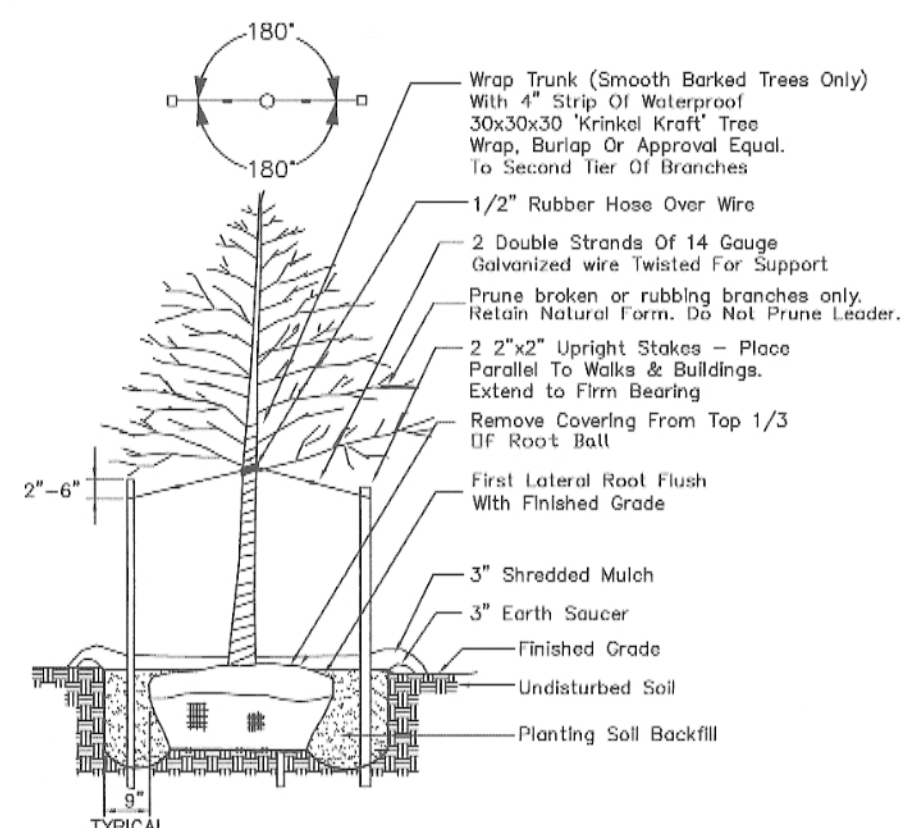
A. Total area of tract:	26.2 ac.
B. Area within 100 year flood plain (w/DOA > 400 ac.):	0.0 ac.
C. Area of land to be used for agriculture:	0.0 ac.
D. Area within reservation/dedication: (Urban diamond) 1.4 ac. + (transway) 1.7 ac. = 3.1 ac.)	3.1 ac.
E. Net tract area:	23.1 ac.
F. Land use category: COMMERCIAL	
G. Afforestation threshold: 15 % of net tract area = 3.1 ac.	
H. Conservation threshold: 15 % of net tract area = 3.1 ac.	
I. Existing forest cover (forest within reservation/dedication (8.3 ac. - 1.25 ac. = 7.1 ac.) (Urban diamond) 0.46 ac. + (transway) 0.79 ac. = 1.25 ac.)	7.1 ac.
J. Forest cover above afforestation threshold:	3.6 ac.
K. Forest cover above conservation threshold:	3.6 ac.
L. Break even point:	4.2 ac.
M. Forest area to be retained:	1.2 ac.
N. Total area of forest to be cleared:	5.8 ac.
Calculation of Afforestation Requirement	0.0 ac.
Calculation of Reforestation Requirement	0.0 ac.
Q. Area of forest above conservation threshold to be cleared:	3.6 ac.
R. Area of forest below conservation threshold to be cleared:	2.2 ac.
S. Forested area above conservation threshold to be sowed:	0.0 ac.
T. Planting required for clearing above threshold:	0.9 ac.
U. Planting required for clearing below threshold:	4.3 ac.
V. Credit for forest above conservation threshold:	0.0 ac.
W. Total reforestation requirement:	5.4 ac.
X. Total planting requirement:	5.4 ac.
Y. Credit for trees and landscaping:	0.0 ac.
Landscaped Areas:	0.0 ac.
Individual/Street Trees:	0.0 ac.
Full credit: 0 trees @ 0.1 d.i.a. @ 20 yrs.	0.0 ac.
1/4 credit: 0 trees @ 0.1 d.i.a. @ 20 yrs.	0.0 ac.
Specimen/Champion Trees:	0.0 ac.
Full credit: 0 trees @ 0.1 d.i.a. @ 20 yrs.	0.0 ac.
1/4 credit: 0 trees @ 0.1 d.i.a. @ 20 yrs.	0.0 ac.
Total credit =	0.0 ac.
Z. Total forest planting requirement:	5.4 ac.
On-site plantings:	1.79 ac.
Previous Off-site plantings:	2.60 ac.
New Off-site plantings (0.50 acres additional replacement + 1.0 acres tree credits = 1.56 ac.)	1.56 ac.

NOTES:

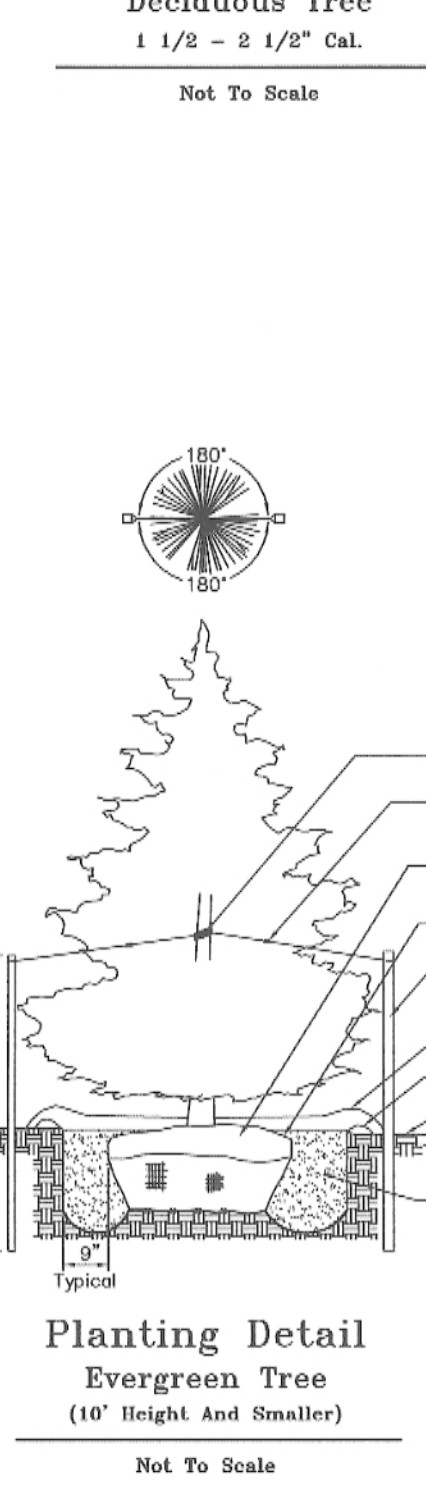
- Any apparent inconsistency of displayed totals due to rounding.
- This spreadsheet format reflects the worksheet contained in the Approved Technical Manual, dated September, 1992, by the Montgomery County Planning Department.

FOREST CONSERVATION PLANTING NOTES

- Pre-construction
1. An on-site pre-construction meeting shall be required after the limits of disturbance have been staked and flagged, but before any clearing or grading begins. The owner shall contact the Maryland National Capital Park and Planning Commission (MNCPPC) Environmental Planning Division staff (855-4571) 48 hours prior to commencing construction for a pre-planting meeting and again after planting is completed in order to arrange for inspection (up to one half of financial security to be released if stock properly planted and in good condition). The attendees at this meeting should include: developer's representative, construction superintendent, tree professional, MNCPPC staff, and sediment control inspector.
  2. No clearing or grading shall begin before stress-reduction measures have been implemented, unless otherwise permitted by Montgomery County. Appropriate measures (see Forest Conservation Plan) may include:
    - A. Root pruning
    - B. Crown reduction or pruning
    - C. Watering
    - D. Fertilizing
    - E. Vertical mulching
  3. All stress-reduction measures must be performed by a State of Maryland licensed tree expert or International Society of Arboriculture certified arborist. Documentation of stress reduction must be sent to MNCPPC Environmental Planning Division 8787 Georgia Ave., Silver Spring, Maryland.
  4. Temporary tree protection devices shall be installed per the Forest Conservation Plan and prior to any construction/activities. Tree protection fencing locations should be staked in the field prior to the preconstruction meeting or if installed, be prepared to make field adjustments as determined by Montgomery County. Temporary tree protection devices may include:
    - A. Chain link fence (four feet high)
    - B. Orange plastic mesh fence (four feet high)
    - C. Barbed wire
    - D. Protective signage
  5. Temporary protection devices shall be maintained and installed by the contractor for the duration of the construction project and must not be altered without prior approval from Montgomery County. No equipment, trucks, materials, or debris may be stored within the tree protection fence areas during the entire construction project. No access to the fenced area will be permitted. Tree protection fencing shall not be removed without approval of Montgomery County. Tree protection devices to be coordinated with erosion and sediment control devices as indicated on the approved ESC plan.
  6. Forest Retention Area signs shall be installed as required by inspector. Tree stakes shall be installed along the Afforestation/Reforestation project perimeter at 25 foot intervals. They shall be 2"x2"x3", and driven 18" below grade.
  7. Long-term protection devices (see Forest Conservation Plan) may include:
    - A. Root aeration systems
    - B. Retaining walls
    - C. Raised sidewalks
    - D. Trenching of utilities
    - E. Pier and panel walls
    - F. Porous pavers
    - G. Cleanup of retention areas
  8. Long-term protection devices will be installed per the Forest Conservation Plan and attached details. Installation will occur at the appropriate time during the construction project.
  9. Periodic inspections by Montgomery County will occur during the construction project. Corrections and repairs to all tree protection devices, as determined by the inspector, must be made in a timely fashion.
  10. After construction is completed, an inspection shall be requested. Corrective measures which may be required include:
    - A. Removal and replacement of dead or dying trees
    - B. Pruning of dead or declining limbs
    - C. Soil aeration
    - D. Fertilization
    - E. Watering
    - F. Wound repair
    - G. Cleanup of retention areas
  11. After inspection and completion of corrective measures have been undertaken, all temporary protection devices shall be removed from the site. No additional grading, seeding, or burial of debris may take place.
- Planting:
1. Contractor to mow afforestation area and remove all invasive plants (ie. multiflora rose, mulberry trees) and apply herbicide to eliminate competition of weed seed prior to planting.
  2. All plant material shall be approved by the Owner or duly appointed representative prior to planting. If plant material is not available substitutions may be made with prior approval from the developer and Montgomery County.
  3. Size and standards of plant materials shall conform to latest edition of "USA Standards for Nursery Stock", by the American Association of Nurserymen, Inc. (AAN).
  4. All plants shall be placed so as not to obstruct drainage.
  5. Plants shall be installed randomly in a triangular or staggered pattern (not in a straight line). Container stock shall be spaced minimum 8-12 feet on center. Bare root stock shall be spaced minimum 6-8 feet on center. See detail.
  6. Slow release fertilizer (omacote 10-10-10) shall be applied at the time of planting at the rate of 600 lbs. per acre.
  7. Where field conditions exist which would adversely affect plant performance, or interfere with proper planting procedures, the contractor shall notify the Owner prior to installation of plant material.
  8. All trees are to be located a minimum distance of 5' from all utility boxes, 5' from a storm drain inlet or manhole, 10' from a fire hydrant, 15' from any public street light, and 5' from any driveway aprons.
  9. Remove litter and debris as required during the first growing season and at the beginning of the second growing season.
  10. Plants shall be installed only between the months of January and May and between September and December when the ground is not frozen. Plants shall be guaranteed for one-year period from the time of installation. Any replacement must be installed as above.
  11. All disturbed areas within the Forest Conservation easement to be seeded with Southern Tier Consulting, Inc. (718-988-3120), Native/Naturalized Wildflower Seed Mix (Northeast) at a rate of 25 pounds per acre.
- Maintenance:
1. The plant material shall be maintained by the owner/developer for two (2) years after the completion. Maintenance shall consist of:
    - A. Remove and replace all dead or diseased vegetation.
    - B. Remove all invasive non-native plants.
    - C. Necessary watering, fertilization, or pest control.
    - D. Shall not be mowed unless directed by Montgomery County.
  2. Maintenance of the afforestation/reforestation area for a period of two years is required per the Montgomery County Tree Technical Manual. During this maintenance period the health and vigor of the plantings shall be monitored and any include the need to specify actions to correct existing problems. The following inspection schedule shall be carried out:
    - Year 1 and 2: Two inspections per year: inspect in the beginning of the growing season (May or June), and in-late at the end of the growing season (September or October).
    - At the end of the second year the survival rate of all the afforestation/reforestation areas shall be a minimum of 75% of the trees planted. Additional plant material may be needed to be planted to bring the total count up to the 75%.
  3. At the end of the maintenance period a final inspection shall be set up at the site with the Owner or owner's representative and a staff member from MNCPPC to insure that the required afforestation/reforestation survival rate has been achieved.



Planting Detail Evergreen Tree



LANDSCAPE PLANT SCHEDULE

KEY	QTY.	BOTANICAL NAME	COMMON NAME	CAL.	HGT.	SPD.	O.C.	MISC.	COMMENTS
ORNAMENTAL TREES									
K	59	Kaulruteria paniculata	Goldenrainree		1 1/2-1 3/4"		15'	B+B	
O	12	Phyllostachys aureosulcata	Yellow Groove Bamboo					as shown	#10 Cont. 6 Canes
Y	30	Prunus x yedoensis	Yoshino Cherrys		1 1/2-1 3/4"		15'	B+B	
B	14	Betula nigra 'Heritage'	Heritage River Birch		10-12'		15'	B+B	Multi-stem
S	9	Syringa reticulata	Tree Lilac		8-10'		10'	B+B	
M	11	Magnolia soulangeana	Saucer Magnolia		8-10'			B+B	Multi-stem
GROUND COVER									
Vb	119	Pleioblastus fortunei variegata	Variiegated Bamboo				4'	#1 Cont.	
Lm	815	Liriope muscaris	Lilyturf				18"	#1	
Nd	900	Nandina domestica 'Harbor Dwarf'	Harbor Dwarf Heavenly Bamboo		15-18"		2'	#3 Cont.	
Pc	1000	Pyraacantha coccinea 'Rutgers'	Rutger's Firethorn				18-24'	2'	#3 cont.
Pa	500	Pennisetum aleopcuraides	Fountain Grass				3'	#3 Cont.	
SHRUBS									
Ea	20	Euonymus alatus 'Compacta'	Compact Burning Bush		24-30"		4'	#3 cont.	
Ic	186	Ilex crenata 'Green Lustre'	Green Luster Holly		24-30"		3'	B&B	
Im	102	Ilex x media 'Hickail'	Hick's Yew		24-30"		3'	B+B	
EF	249	Euonymus fortunei 'Manhattan'	Manhattan Euonymous		24-30"		3'	#3 cont.	
Vc	*	Viburnum carlesii	Korean Spicebush		24-30"		4'	#3 Cont.	
FI	*	Forsythia x intermedia 'Spring Glory'	Spring Glory Forsythia		4-5'		4'	B+B	
Im	*	Ilex x meserveae 'Blue Gin'	Blue Girl Holly						1 male/10 females
		Ilex x meserveae 'Blue Boy'	Blue Boy Holly		30-36"		4'	B&B	
SHADE TREES									
C	68	Gleditsia tricanthus 'Sunburst'	Sunburst Honeylocust		3 - 3 1/2"		45'	B+B	
H	24	Gleditsia tricanthus 'Halka'	Halka Honeylocust		2 1/2 - 3"		25'	B+B	
L	58	Platanus x acerifolia 'Bloodgood'	Bloodgood London Planetree		3 - 3 1/2"		50'	B+B	
R	7	Platanus x acerifolia 'Bloodgood'	Bloodgood London Planetree		4 - 4 1/2"		50'	B+B	
A	12	Acer rubrum 'Red Sunset'	Red Sunset Maple		2 1/2 - 3"		35'	B+B	
E	22	Celtis occidentalis	Hackberry		2 1/2 - 3"		35'	B+B	
C	19	Ginkgo biloba (male only)	Ginko		2 1/2 - 3"		40'	B+B	
Z	75	Zelkova serrata 'Village Green'	Village Green Zelkova		2 1/2 - 3"		40'	B+B	
P	5	Quercus palustris	Pin Oak		4 - 4 1/2"		40'	B+B	
Q	42	Quercus acutissima	Sawtooth Oak		3 - 3 1/2"		30'	B+B	
EVERGREEN TREES									
N	29	Picea abies	Norway Spruce		6-8'		15'	B+B	
F	35	Abies concolor	White Fir		6-8'		15'	B+B	
W	50	Pinus strobus	White Pine		6-8'		15'	B+B	
I	6	Ilex 'Nellie R. Stevens'	Nellie Stevens Holly		6-8'		6'	B+B	
J	12	Pinus thunbergiana	Japanese Black Pine		6-8'		12'	B+B	
D	1	Cedrus deodara	Deodar Cedar		8-10'		15'	B+B	

DEVELOPER'S CERTIFICATE

The undersigned agrees to accept all the features of the Approved Final Forest Conservation Plan No. 00000010 by the Montgomery County Planning Department, forest planting, maintenance and all other applicable agreements.

Developer's Name: Danac Corporation  
 Project Name: Forest Conservation Area

Contract Person or Owner: John F. Joeger, Trustee  
 Title: Trustee

Address: 7501 Wisconsin Ave, Suite 1120  
Bethesda, MD 20814

Phone and Email: 301-657-2800

Signature: \_\_\_\_\_

REMOVE BY HAND OR SMALL EQUIPMENT INVASIVE WILDS IN IDENTIFIED AREAS. SELECTIVE USE OF HERBICIDES RECOMMENDED FOR THE TYPE OF PLANT MATERIAL, THE STAGE IN THE GROWTH CYCLE, AND FOR USE IN CLOSE PROXIMITY TO A STREAM ARE PERMITTED WITH APPROVAL BY MNCPPC.

EACH AREA WILL BE PLANTED WITH THE NUMBER AND TYPE OF PLANT MATERIAL LISTED BELOW. THE SIZE AND SPECIES MUST BE SELECTED FROM THE PLANT LIST ON SHEET LS-6 ONLY.

- AREA A:
- SHADE TREES: 4  
 UNDERSTORY: 2  
 SHRUBS: 10
- AREA B:
- SHADE TREES: 4  
 UNDERSTORY: 2  
 SHRUBS: 10

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

FOREST CONSERVATION PLAN SUBMITTED FOR PLANNING BOARD APPROVAL

Plan No. 11976112A  
 Signature: John F. Joeger 10/31/2012  
 Date

FC - 8  
 WSSC 220 NW 10

TAX MAP FS-341

FINAL FOREST CONSERVATION DETAILS & NOTES

DANAC STILES

9TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

Macris, Hendricks & Glascock, P.A.  
 Engineers • Planners • Surveyors  
 (301) 670-0840 Suite 120  
 FAX (301) 948-0693 2220 Wightman Road  
 WWW.MHGPA.COM Montgomery Village, Maryland  
 20886-1279

Designed VSB	Drawn VSB	Date	Scale
		06.13.12	AS SHOWN
Job No.	Sheet	82.104.54	8 of 8

NO.	DATE	DESCRIPTION	BY
1	6.13.12	Amend per #8-2000018D Amend lot 6	vsb