

AUG 9 2011



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

MCPB No. 11-70
Site Plan No. 820110090
Project Name: Parklawn North
Date of Hearing: July 21, 2011

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on April 14, 2011, Parklawn North Lot, LLC ("Applicant") filed an application for approval of a Site Plan for 520,000 square feet of additional office development, including up to 1,000 square feet of ancillary retail use ("Site Plan" or "Plan") on 12.96 acres of TMX-2-zoned land, located on Fishers Lane approximately 1,000 feet east of Twinbrook Parkway ("Property" or "Subject Property"); and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820110090, Parklawn North (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated July 8, 2011, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on July 21, 2011, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on July 21, 2011, the Planning Board approved the Application subject to conditions on the motion of Commissioner Presley, seconded by Commissioner Anderson, with a vote of 4-0, Commissioners Anderson, Carrier, Presley, and Wells-Harley voting in favor, and Commissioner Dreyfuss absent.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Suite 100, Silver Spring, MD 20910 Chairman's Office: 301.495.4600 Fax: 301.495.1320

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APPROVES Site Plan No. 820110090 for 520,000 square feet of additional office development, including up to 1,000 square feet of ancillary retail use on 12.96 acres of TMX-2-zoned land, subject to the following conditions:

1. Preliminary Plan Conformance

The proposed development must comply with the conditions of the approved Resolution for Preliminary Plan 120110300, unless amended and approved by the Planning Board.

2. LEED Certification

The Applicant must achieve a LEED (Leadership in Energy and Environmental Design) Certified Rating Certification, or county-approved equivalent, for the proposed building. The Applicant must make good faith efforts to achieve a LEED Silver rating. Before the issuance of any building permit, the Applicant must inform M-NCPPC staff of the LEED Certification Level for which they are applying. If this level is less than a Silver rating, before the issuance of any building permit the Applicant must provide to staff a written report from the Applicant's LEED consultant analyzing the feasibility of achieving a LEED-Silver rating, to include an affidavit from a LEED-Accredited Professional identifying the minimum additional improvements required to achieve the LEED Silver rating, including their associated extra cost.

3. Site and Landscape Plans

- a. Ensure the streetscape details continue the established streetscape in site plan 82001025B and C for Wilkins Avenue Extended (B-16) and Fishers Lane with the following elements:
 - i. Washington Globe pedestrian lights;
 - ii. Canopy trees in tree pits (30' O.C); and
 - iii. 2-3/8" Balcon Uni-Décor Unit Pavers, Tudor Blend and 4"X8"x2-3/8" Balcon, Holland Stone Pavers, stacked bond header at the intersection of Fisher's Lane and B-16, an eight-foot wide concrete shared-use path on the east side of B-16, and a six-foot wide concrete sidewalk on the west side of B-16.
- b. Provide an alternative plant list for substitutions of plant material due to availability.
- c. Provide improved pedestrian crossing of the driveway and loading areas along the east side of Wilkins Avenue per Staff approval.
- d. An alternative design for the retail kiosk must be provided to serve as a gazebo or shelter if a retail tenant cannot be found.

4. Transportation

The Applicant must provide five inverted-U bike racks within 50 feet of the main entrance and 25 secured bike storage units (such as secured storage areas or lockers) in the parking garage in a well-lit area near the garage's exit or entrance. The final location and type of bicycle parking must be approved by Staff prior to certified site plan.

5. Environment

- a. Applicant to submit and obtain staff approval of a revised final forest conservation plan prior to submission of certified site plan to correct the following deficiencies:
 - i. Correct numbers on Final FCP detail sheets to agree with the numbers on the composite Final FCP.
 - ii. Applicant must sign the Final FCP prior to final approval
- b. Applicant to submit and obtain approval of the forest conservation financial security instrument prior to any clearing or grading occurring on site.
- c. Applicant to include in the landscape plan 3 native canopy trees of at least 3" dbh in mitigation for the removal of variance tree V-1.
- d. When a development application is submitted for Lot 5:
 - i. All impervious surfaces are to be removed from the stream buffer on Lot 5 and the area restored with forest;
 - ii. The applicant must develop and implement off-site stream restoration as recommended in the Twinbrook Master Plan; and
 - iii. Provide shade trees for any remaining surface parking spaces or drives, as well as permeable pavers, planting strips or bioretention areas to achieve the Sector Plans environmental recommendations.
- e. Applicant must submit and obtain approval of a Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) and Forest Conservation Plan for the hiker/biker trail required for this development.

6. Lighting

- a. All new private on-site down-lighting fixtures must be changed, where necessary, to full or partial cut-off fixtures;
- b. Deflectors must be installed on any new up-lighting fixtures causing potential glare or excess illumination onto the Parklawn cemetery site;
- c. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for commercial development;
- d. Illumination levels from on-site lighting shall not exceed 0.5 footcandles (fc) at any property line abutting County road rights-of-way or residentially-zoned land;

- e. The height of the light poles, including the mounting base, shall not exceed the height shown in the Certified Site Plan.

7. Clearing and Grading

The Applicant must ensure that there is no clearing or grading of the subject site prior to M-NCPPC approval of the Certified Site Plan

8. Maintenance

The Applicant is responsible for maintenance of on-site landscaping, hardscapes, and amenities.

9. Performance Bond and Agreement

The Applicant is subject to the following provisions for surety as described in Section 59-D-3.5 of the Montgomery County Zoning Ordinance and Site Plan approval:

- a. The Applicant must provide a cost estimate from the landscape architect or landscape contractor indicating the installed costs of site plan elements such as but not limited to landscaping, lighting, recreation facilities, special paving, art work and site furnishings. The cost estimate should include a 10% inflation factor for the site plan elements to account for changes in price and materials and modifications to the approved plans.
- b. The Applicant must submit a Performance Bond or other satisfactory form of surety as approved by M-NCPPC to cover the installed costs of site plan elements such as but not limited to landscaping, lighting, recreation facilities, special paving, art work and site furnishings as shown and described in the cost estimate.
- c. The Applicant must execute an agreement for site plan elements in conjunction with the performance bond indicating the Applicant's agreement to install, construct and maintain the site plan elements.
- d. The Bond and agreement must be submitted and accepted prior to the release of the first building permit.

10. Parks

Final agreements and Staff approval for construction of the hiker/biker trail must be obtained prior to approval of the certified site plan. A final forest conservation plan must be approved prior to clearing and grading and the trail must be constructed prior to issuance of any use-and-occupancy permit for the proposed office building.

11. Development Program

The Applicant must construct the proposed development in accordance with Development Program. A Development Program shall be reviewed and approved by M-NCPPC Staff prior to approval of the Certified Site Plan. The Development Program shall include a phasing schedule as follows:

- a. Sidewalks, paths, and required related improvements within the rights-of-way must be completed prior to issuance of any use-and-occupancy permit;
- b. Site lighting and outdoor hardscaping associated with each structure must be completed before issuance of any use and occupancy permits;
- c. All on-site landscaping associated with each structure must be completed within six months of the issuance of any use and occupancy permits;
- d. On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities associated with each building or parking area must be installed prior to release of any building occupancy permit;
- e. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices;
- f. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features;

12. Certified Site Plan

Prior to Certified Site Plan approval the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Minor corrections and clarifications to site details and labeling;
- b. Ensure minimum parking lot landscaped area on Lot 4 is at least 5%;
- c. Changes addressing conditions above;
- d. Development Program, Inspection Schedule, Approved Forest Conservation Plan, and Site Plan Resolution.

BE IT FURTHER RESOLVED, that all site development elements as shown on Parklawn North drawings stamped by the M-NCPPC on June 8, 2011, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with*

an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.

This project has neither a development or diagrammatic plan nor a schematic development plan. This plan also does not have a separate project plan, although, as discussed in the resolution approving the preliminary plan, it does satisfy the standards for project plan approval.

- 2. The Site Plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

As required under Section 59-C-14.213, the Site Plan is consistent with the recommendations of the Twinbrook Sector Plan. Specifically, the density proposed on the properties is below 1.5 FAR when calculated over the gross tract area of lots 4 and 5; public use space has been provided at the end of Fishers Lane; pedestrian connections have been created; the street grid has been enhanced as much as possible given the limits of the property boundaries; and building heights have been stepped properly. Further recommendations of the Sector Plan concerning additional green space and stream restoration will be addressed by future redevelopment.

The Site Plan meets all of the dimensional requirements of the TMX-2 zone as demonstrated in the project Data Table below. The building height, density, and setbacks conform to the limits of the zone; the requirements for public use space exceed the minimum standards.

The partial parking waiver from 2.4 spaces per 1,000 square feet to a minimum of 2.1 spaces per 1,000 square feet is appropriate for this development. This parking reduction is the underlying reason for the 18% trip reduction proposed under the Local Area Transportation Review and is further supported by the proximity to transit, existing and proposed bicycle trails, and numerous services and amenities nearby for visitors and employees.

Development Standard	Permitted/ Required	Proposed for Approval
Min. lot area (sf.)	18,000	96,051
Max. building height ¹ (feet)	N/A (143 per the Sector Plan)	125
Min. public use space (% of net lot area)	20	22 on Lot 4 ²
Max. density of development (FAR)	2.0	2.0 ³
Min. building setbacks (ft.)		
Adjacent to a single-family residential zone	25	25
From a public right-of-way	0	5
Min. parking lot setbacks (ft.)		
Adjacent to R-200	12	12
Min. parking (spaces)	1360	1204 with partial waiver)
Min. parking lot internal landscaping (% of parking lot area)	5	5
BLTs	12.5% of any density above 0.5 FAR = 4.96	4.96

¹ As measured from the building height measurement point established on the certified site plan.

² Public Use Space equal to a minimum of 20% of the net lot area on Lots 5 & 6 must be provided when redevelopment of these lots occurs.

³ The Sector Plan recommendation of a maximum 1.5 FAR for lots 4 & 5 together is also met; the proposed development for the combined lots is 1.14 FAR.

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a. Locations of buildings and structures

The proposed buildings are located such that they will create an adequate, efficient, and safe area for this sector of Twinbrook. Further, the buildings are set on the property such that heights are stepped up towards the southern edge of the property confronting existing office buildings and away from the multi-family buildings to the north. Further redevelopment with a greater mix of uses and open spaces will only enhance these attributes.

b. Open Spaces

Open space in this site plan is limited to Lot 4 until Lots 5 & 6 redevelop. The proposed park area, however, provides an excellent opportunity to begin re-envisioning and revitalizing this area. This area will provide efficient seating and aesthetically pleasing open space to serve employees, trail users, and other passers-by. These areas are safely lit and visible. The foreseen additional development at this site will create greater opportunities and expectations for higher-quality open space.

c. Landscaping and Lighting

The proposed landscaping on the site consists primarily of several landscaped areas and planters around the buildings as well as street trees along Fishers Lane and Wilkins Avenue. The landscaping is adequate, safe, and efficient.

The lighting plan consists of contemporary-style pole and bollard fixtures throughout the open space and along pedestrian ways; additional lights will be provided along the streets. The lighting plan conforms to IESNA standards for site lighting and will provide adequate, safe, and efficient site illumination.

d. Recreation Facilities

This site plan does not have a residential component and is not required to provide recreation facilities.

e. Pedestrian and Vehicular Circulation Systems

The plan will significantly improve pedestrian and bicyclist circulation by providing sidewalks, paths, trails, and bike racks and lockers. All sidewalks will connect to existing sidewalk on adjacent properties providing access to parks, the Metro, bus stops, and area services and amenities. These facilities provide safe, adequate, and efficient pedestrian access.

Vehicular access will be provided solely from the proposed Wilkins Avenue, which will dead-end at the property boundary until the property to the north redevelops; turning movements will be accommodated by the driveways. With minor upgrades for pedestrian use, the access to parking, loading, and inspection areas provides a safe, efficient, and adequate vehicular circulation system.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The proposed buildings begin to create the Technology Employment Area envisioned by the Sector Plan. The use and structures are compatible with the similar surrounding buildings and are located at a distance from the multi-family residential buildings to the north.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The Preliminary and Final Forest Conservation Plans propose 0.11 acres of forest clearing and 1.03 acres of forest retention out of 1.14 total acres of forest contained on-site and in off-site disturbance areas. The plan requires a combined afforestation and reforestation of 1.45 acres. This requirement is to be satisfied with a combination of on-site reforestation (0.03 acres), off-site reforestation (0.76 acres), credit for landscape tree cover (0.16 acres), and payment of a fee-in-lieu (0.50 acres).

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

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

BE IT FURTHER RESOLVED that for the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor in interest to the terms of this approval.

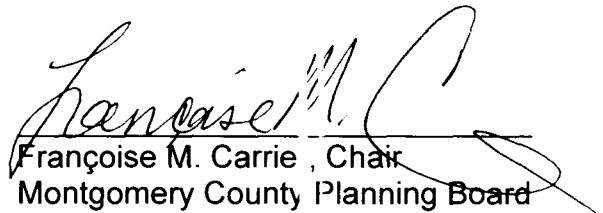
BE IT FURTHER RESOLVED, that the date of this Resolution is AUG 19 2011 (which is the date that this Resolution is mailed to all parties of record); and

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 Dreyfuss, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss and Presley present and voting in favor of the motion, at its regular meeting held on Thursday, July 28, 2011, in Silver Spring, Maryland.


Françoise M. Carrie, Chair
Montgomery County Planning Board