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

MCPB No. 12-14
Sketch Plan No. 320120020
Project Name: Hanover Shady Grove
Date of Hearing: January 26, 2012

RESOLUTION

WHEREAS, pursuant to 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 October 24, 2011, Hanover R.S. Limited Partnership ("Applicant"), filed an application for approval of a sketch plan for construction of up to 452,152 square feet in two buildings with up to 380 multi-family units, on 6.92 gross acres of CR1.5 C1.5 R1.5 H100-zoned land, located on Research Boulevard approximately 575 feet east of the intersection of Omega Drive ("Property" or "Subject Property") in the Great Seneca Science Corridor Master Plan ("Master Plan" or "GSSC Master Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320120020, Hanover Shady Grove (the "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, Staff issued a memorandum to the Planning Board, dated January 13, 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 January 26, 2012, 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 January 26, 2012, the Planning Board approved the Application subject to certain binding elements and conditions, on the motion of Commissioner Dreyfuss, seconded by Commissioner Presley, with a vote of 4-0; Commissioners

Approved as to
Legal Sufficiency:

 5/4/12
M-NCPPC Legal Department

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

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Carrier, Dreyfuss, Wells-Harley, and Presley voting in favor, and Commissioner Anderson being absent.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board approved Sketch Plan No. 320120020 for construction of up to 452,152 square feet in two buildings with up to 380 multi-family units on the Property, subject to the following binding elements and conditions:

A. Binding Elements. The following site development elements are binding under Section 59-C-15.43(b)(4):

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 452,152 square feet of development for residential uses. The final amount of residential floor area and the final number of dwelling units will be determined at site plan.

2. Height

The development is limited to a maximum height of 70 feet for occupiable space; however, architectural design elements of the development are limited to a maximum height of 80 feet.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-C-15.43(d); 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

The Applicant proposes 20 points for proximity to master-planned stations for the Corridor Cities Transitway, Level 2 transit stations.

b. Connectivity and Mobility

The Planning Board approved 15 points for transit access improvements.

c. Diversity of Uses and Activities

The Planning Board approved 22 points from the Diversity of Uses and Activities category, which is achieved through provision of 13.5% MPDUs (12 points), dwelling unit mix (5 points), and units with enhanced accessibility for the disabled (5 points).

d. Quality Building and Site Design

The Planning Board approved 30 points from the Quality Building and Site Design category, which is achieved through provision of structured parking (10 points), additional public open space (10 points), and exceptional design (10 points).

e. Protection and Enhancement of the Natural Environment

The Applicant proposes 20 points from the Protection and Enhancement of the Natural Environment category, which is achieved through the purchase of Building Lot Terminations (BLTs) (5 points) and provision of tree canopy (10 points) and vegetated area (5 points).

4. Building Lot Terminations (BLTs)

Prior to release of a building permit for each building, the Applicant must provide proof of purchase and/or payment for the required BLTs equal to a pro-rated share of the square footage requested with the building permit.

5. Moderately Priced Dwelling Units (MPDUs)

The proposed development must provide MPDUs in accordance with Chapter 25A and, additionally, any incentive density MPDUs above 12.5% under Condition 3 of this Sketch Plan approval.

6. Transportation

At the time of Preliminary Plan, the Applicant must:

- a. Satisfy the LATR test by submitting a traffic study.
- b. Satisfy the PAMR test by mitigating 30% of the new site-generated peak-hour trips and obtain the necessary advanced approval of the proposed mitigation action from Montgomery County Department of Transportation (MCDOT).
- c. Enter into a Traffic Mitigation Agreement with the Planning Board and MCDOT to participate in the Greater Shady Grove Transportation Management District to assist in achieving its non-auto-driver mode share goals.
- d. Show on the plan the centerlines and/or opposite right-of-way lanes along Research Boulevard and Omega Drive to confirm that the master-planned right-of-way recommendations exist. If not, dedicate the additional rights-of-way.
- e. Provide the necessary cross-access easements.

- f. Show on the Preliminary Plan, and provide pedestrian crosswalks, handicapped ramps, and street lighting up to AASHTO standards at all the adjacent intersections and along all the adjacent and internal roadways.
- g. Provide required bike spaces.

7. Future Coordination for Preliminary and Site Plan

The following must be addressed when filing a preliminary or site plan:

- a. Pedestrian bridge waiver to cross lot line or lot reconfiguration.
- b. Underground wet and dry utilities.
- c. Fire and Rescue access and facility details.
- d. Streetscape details.
- e. Demonstration of how each public benefit meets the Zoning Ordinance and Incentive Density Implementation Guideline requirements.
- 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. Issues raised by the MCDOT in their letter dated January 10, 2012, as amended.

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff as presented at the Hearing and as 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-15.42, the Planning Board finds that as conditioned herein the elements of the sketch plan specified in Section 59-C-15.42(c) of the zoning ordinance are appropriate in concept and appropriate for further review at site plan. Specifically, the Planning Board FINDS:

1. *The Sketch Plan 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 proposed development will:
 - “Implement the policy recommendations of the applicable sector plan” by providing the residential uses, pedestrian circulation routes, open spaces, and public benefits encouraged by the GSSC Master Plan;

- “Target opportunities for redevelopment of single-use areas and surface parking lots with a mix of uses” by adding residential uses and structured parking to an area currently improved with office and hotel buildings;
 - “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 additional affordable housing, a mix of multi-family unit types, units with enhanced access for the disabled, increased density within ½ mile of two proposed CCT stations, access to the LSC recreation loop, transit access improvements, and public open space. Retail commercial services are not appropriate to this site due to lack of street visibility and little prospect for the customer volume necessary to make such uses viable;
 - “Allow a mix of uses, densities, and building heights appropriate to various contexts to ensure compatible relationships with adjoining neighbors” by building within the envelope established by the CR zone at a scale of development similar to existing and allowed buildings adjacent to the site, which may build up to 72 feet in the O-M zone, 15 stories in the H-M zone, 110 feet in the LSC zone, and 100 feet in the CR zones on surrounding properties;
 - “Allow an appropriate balance of employment and housing opportunities” by providing the housing encouraged by the Master Plan in areas dominated by commercial uses and implementing the recommended housing-to-jobs balance; and
 - “Provide public benefits that will support and accommodate density above the standard method limit” through the approved public benefits as proposed by the Applicant that meet the requirements of the Zoning Ordinance and standards of the Implementation Guidelines.
- b. The Sketch Plan meets the general requirements of Section 59-C-15.6 as follows:
- Section 15-C-15.61 – Master Plan and Design Guidelines Conformance.
 - The development will create public use spaces that allow for active and passive recreation; are visible and usable; have a strong relationship to adjacent retail, amenity space, and the pedestrian network; and are not separated by barriers (design guidelines, page 13);
 - The development will provide buildings as close to Property lines as grades and easements allow with access from units and retail to perimeter sidewalks (design guidelines, pages 22 & 45);
 - The development will provide design excellence with innovative building materials and style via further development through the site plan process (design guidelines, page 27); and

- o The development will place parking within a structure faced with residential and retail uses (design guidelines, pages 18-19). Although the existing garage is not, and cannot be faced with residential or retail uses, because of its proximity to property lines and roads it is more sustainable to make use of the garage rather than remove it and rebuild. The new garage for the northern building, however, is wrapped on two sides by residential uses.
 - Section 59-C-15.62 – Bicycle Parking Spaces and Commuter Shower/Change Facility
 - o The development will provide at least the minimum required number of bicycle parking spaces for residents and visitors as determined by the final unit count and commercial space approved with the site plan; and
 - Section 59-C-15.63 – Parking
 - o The development will provide parking spaces between the minimum required and maximum allowed as determined by the final unit count and commercial space approved with the site plan.
- c. 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>		
Development Standard	Required/Allowed	Approved
Max. Density (FAR)		
Total	1.5	1.5
Residential	1.5	Up to 1.5
Commercial	1.5	0
Max. Height (feet)		
	100	80 ¹
Setbacks		
	n/a	n/a
Min. Public Use Space (% of net lot)		
	10	20
Min. Residential Amenity Space		
Indoor	5,000sf	5,000sf
Outdoor	5,000sf	5,000sf

¹ The proposed development is limited to a maximum height of 70 feet for occupiable space; however, architectural design elements of the development are allowed to a maximum height of 80 feet

2. The Sketch Plan furthers the recommendations and objectives of the GSSC Master Plan.

The GSSC 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 through the provision of residential uses, although no retail is proposed due to the lack of a viable customer base at these internal locations removed from public streets (page 48);
- Provide public benefits that improve connectivity and mobility, through improvements to pedestrian access to transit services, open space, and the pedestrian-realm and add to the diversity of uses and activities, through construction of affordable housing above the minimum required, a diversity of unit mix, units with enhanced accessibility for the disabled, and open space (page 48); and
- Achieve more sustainable development patterns through balanced land use, connectivity improvements, open spaces, enhanced stormwater management, and building design (pages 26-30).

3. The Sketch Plan 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, uses; and the similar proposed development to the south of the Subject Property (Mallory Square). This compatibility is achieved through:

- Similar massing envelopes, although with more articulation and diversity of materials;
- Modest heights, comparable to other built and allowed development which may build up to 72 feet in the O-M zone, 15 stories in the H-M zone, 110 feet in the LSC zone, and 100 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;
- Provision of structured parking creating a stronger relationship between buildings, sidewalks, and streets;
- Addition of a complementary use to the surrounding employment uses; and
- Strong definition of street walls that will also begin to transform the suburban, auto-oriented framework of land use in the area.

4. The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.

Circulation, parking, and loading for cars, trucks, pedestrians, and bicyclists are all satisfactory within the proposed development. Specifically, this Sketch Plan provides:

- Buildings on an existing street grid for cars, pedestrians, and bicyclists taking advantage of mobility options and dispersing traffic;
- Off-street loading areas for the residents on the internal streets ensuring no conflicts on Omega Drive and Research Boulevard;
- Increased parking for bicycles;
- Improved sidewalks, amenities, and open spaces for pedestrians and bicyclists; and
- Sufficient parking within new and existing structures for residents.

5. *The Sketch Plan includes public benefits that support the requested incentive density.*

The Application provides public benefits that, as quoted from Section 59-C-15.83:

- “Take into consideration the recommendations, objectives, and priorities of the Master Plan” by providing the diversity of housing, general sustainability measures, and connectivity improvements that are encouraged;
- “Meet the standards of the Implementation Guidelines and Design Guidelines for the Master Plan” by providing the proper calculations and criteria for each public benefit and concentrating on the Guidelines’ focus on streets, design excellence, and transformation of the suburban development pattern;
- “Are appropriate for the size and configuration of the tract” by taking advantage of the large site and concentrating on open space and environmental benefits;
- “Adequately address the relationship of the project to the adjacent property” by providing open space and new connections in focal spaces and between proposed and existing buildings for maximum effectiveness;
- “Consider the presence or lack of similar public benefits nearby” through provision of open spaces, diverse housing, structured parking, and environmental benefits that are lacking in this area and differ from the recent Mallory Square sketch plan approval; and
- “Provide enhancements beyond the elements listed in the individual public benefit descriptions or criteria that increase public access to or enjoyment of the benefit,” which will be developed and assessed during preliminary and site plan reviews.

<i>Detailed Public Benefit Table</i>	
Public Benefit	Maximum Points Approved
Transit Proximity Category	
¼ - ½ mile from Level 2 CCT Station	20
Greater than 75% of the subject site is within ½ mile of a CCT Station.	
Connectivity & Mobility Category	
Transit Access Improvement	15
ADA-compliant improvements to the pedestrian network that ensure new connections to transit services. Complete analysis will be required per the Ordinance and Guidelines during site plan review.	
Diversity Category	
Affordable Housing	12
Provision of 13.5% MPDUs; 1% over 12.5% = 12 points.	
Dwelling Unit Mix	5
Provision of at least 7.5% efficiency units, 8% 1-bedroom units, 8% 2-bedroom units, and 5% 3-or-more bedroom units.	
Enhanced Access for the Disabled	5
Provision of at least 12 units that meet ANSI A117.1 Residential Type A standards. The points awarded for this public benefit will be revisited at site plan review due to the fact that the CR zone was amended to allow more points for such units and the Implementation Guidelines have not been revised to reflect the change.	
Quality Design Category	
Structured Parking	10
All but 4 parking spaces within above grade structure, final points established during site plan review.	
Public Open Space	10
Provision of 10% additional open space (above the 10% required).	
Exceptional Design	10
Provision of site and building design that meets the criteria of the Ordinance as further defined by the Guidelines, to be finalized during site plan review.	
Environmental Category	
BLTs	5
Purchase/payment for BLTs: $((301,435\text{sf incentive density} * 0.05) / 20,000) = 0.7536$ BLTs	
Tree Canopy	10
Coverage of 25% of on-site open space with tree canopy at 15 years of growth. An analysis at site plan review will determine whether the area under Conservation Easement should count both as on-site open space and whether the tree canopy associated with the Easement should count towards this public benefit. If it is not counted, the public use space, recreation areas, vegetated areas, and streetscape should be covered by a minimum of 25% tree canopy.	
Vegetated Area	5
Installation of plantings in a minimum of 12 inches of soil covering at least 5,000 square feet of previously impervious surfaces.	
Total	107

6. *The Sketch Plan 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 two phases. Approximately one-half of the transit access improvements, open space, diverse unit types, affordable housing, enhanced accessibility units, structured parking, design elements, tree canopy, vegetated area, and BLTs are required for whichever building is constructed first. Likewise, any streetscape improvements will be shared equally by any phasing plan. While 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 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 it 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 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 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. 320120020, Hanover Shady Grove, stamped received by M-NCPPC on January 3, 2012 are required except as modified herein; and

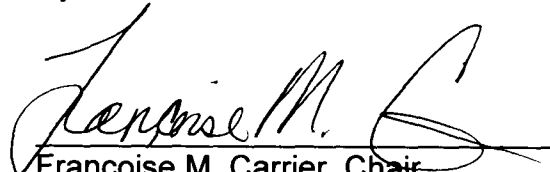
BE IT FURTHER RESOLVED that the date of this Resolution is MAY 22 2012 (which is the date that this Resolution is mailed to all parties of record); and

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).

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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 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, May 17, 2012, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board