



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

MCPB No. 17-117
Site Plan No. 81995045E
9800 Medical Center Drive
Date of Hearing: December 14, 2017

DEC 22 2017

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, under Section 59-7.7.1.B.1, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

WHEREAS, on September 8, 1995, the Planning Board approved Site Plan No. 819950450 for 313,650 square feet of research and development (R&D) and offices uses on 18.14 acres in the R-200 Zone, located in the northwest quadrant of the intersection of Darnestown Road and Shady Grove Road ("Subject Property"), in the *Great Seneca Science Corridor* (GSSC) Master Plan ("Master Plan") area; and

WHEREAS, on March 20, 2002, the Planning Director approved an administrative amendment to the previously approved site plan, designated Site Plan No. 81995045A, for a building reconfiguration and R&D use on the Subject Property; and

WHEREAS, on March 16, 2010, the Planning Director approved an administrative amendment to the previously approved site plan, designated Site Plan No. 81995945B, for minor modifications to architecture, the landscape plan and select site features on the Subject Property; and

WHEREAS, on September 8, 2011, the Planning Director approved an administrative amendment to the previously approved site plan, designated Site Plan No. 81995045C, for an addition of 2,479¹ square feet of maintenance and workshop area, limited rooftop mechanical equipment and penthouse areas, screen walls and a utility yard, for a total of 313,650 square feet of development on the Subject Property; and

¹ The 2,479 square feet of maintenance and workshop area approved in the Site Plan's 'C' amendment is not calculated as density/approved square footage of leasable R&D and office space. Therefore, this square footage is not shown in the total of 313,650 square feet for the Subject Property.

Approved as to
Legal Sufficiency:


MNCPPC Legal Department
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WHEREAS, on December 8, 2016, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 81995045D, for 117 additional (interim) surface parking spaces with stormwater management and landscape planting improvements on the Subject Property; and

WHEREAS, on August 10, 2017, ARE-Maryland No. 24, LLC (“Applicant”) filed an application for approval of an amendment to the previously approved site plans for the development of an additional 175,840-square-foot lab/office building and a 746-car parking garage, with stormwater management and landscape planting improvements, on the Subject Property; and

WHEREAS, Applicant’s application to amend the site plan was designated Site Plan No. 81995045E, 9800 Medical Center Drive (“Site Plan,” “Amendment,” 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 December 4, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on December 14, 2017, the Planning Board held a public hearing on the Application at which it 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 conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 81995045E and the associated Final Water Quality Plan for the development of an additional 175,840-square-foot lab/office building and a 746-car parking garage on the Subject Property, with stormwater management and Landscape Plan changes, by adding the following conditions:²

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120110080 as listed in MCPB Resolution No. 11-92 dated January 23, 2012.

² 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.

2. Forest Conservation & Tree Save

The development must comply with the conditions of the approved Forest Conservation Exemption No. 42017160E, dated July 12, 2017.

- a) Prior to any demolition, clearing, or grading, the Applicant must record in the Montgomery County Land Records by deed a Category I Conservation Easement approved by the M-NCPPC Office of the General Counsel over all onsite environmental buffers that lie outside approved permanent encroachments and existing and proposed County easements. The Liber Folio for the easement must be referenced on the record plat.
- b) Prior to the end of the first planting season after issuance of the first sediment control permit, the Applicant must plant forest on the stream buffers that lie outside permanent encroachments, as shown on the Site Plan.
- c) Prior to any demolition, clearing, and grading, the Applicant must execute a five-year Maintenance and Management Agreement approved by the M-NCPPC Office of General Counsel.

3. Water Quality

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Preliminary/Final Water Quality Plan approval letter dated November 17, 2017, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

4. Stormwater Management

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated November 17, 2017, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

5. Public Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 158,122 square feet of public use space (20% of net lot area) on-site.
- b) The Applicant must construct the streetscape improvements along the Property's frontage on Medical Center Drive, Medical Center Way, and Shady Grove Road, as shown on the Site Plan, which are consistent with the Great Seneca Science Corridor Urban Design Guidelines.

- c) Prior to issuance of first Use and Occupancy certificates for the occupants of Building F, all public use space areas must be completed.

6. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to the public use space on Medical Center Drive.

7. Transportation

- a) Prior to Certified Site Plan, the Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and Montgomery County Department of Transportation (MCDOT) to participate in the Greater Shady Grove Transportation Management Organization (TMO).
- b) The Applicant must work with MCDOT Commuter Services Section regarding a bike sharing station on this site.

8. Pedestrian & Bicycle Circulation

- a) The Applicant must provide 30 bicycle parking spaces as shown on the Certified Site Plan.
- b) The Applicant must provide 5-foot wide sidewalks along all public streets, except as noted below.
- c) Prior to issuance of the first Use and Occupancy certificate by the occupants of Building F, the Applicant must provide the following pedestrian and bicycle facilities, the exact location, design and construction of which must comply with requirements set forth by the MCDOT, Division of Traffic Engineering and Operations.
 - i. 8-foot wide shared-use path on Medical Center Way.
 - ii. 10-foot wide shared-use path on Shady Grove Road.
 - iii. 5-foot wide sidewalk on Medical Center Drive.
- d) Prior to building permit for Building F, the Applicant must amend Preliminary Plan No. 120110080 to require the pedestrian and bicycle facilities listed in Condition 8.c to be constructed prior to the issuance of the first Use and Occupancy certificate for Building F, rather than the first building permit.

9. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated March 13, 2017, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

10. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the site plan, as determined by M-NCPPC Staff.

11. Landscaping

Prior to the end of the first planting season after the issuance of the final Use and Occupancy Certificate for Building F, all landscape plant materials must be installed.

12. Lighting

- a) Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be installed in accordance with these standards.
- b) All onsite down-lights must have full cut-off fixtures.
- c) Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting residentially developed properties.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

13. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit and Sediment Control Permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 [59-D-3.5(d)] of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to, plant materials, on-site lighting, indoor and outdoor recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, sidewalks, bikeways, private utilities, paths and associated improvements of development, including storm drainage facilities, street trees and street lights.

- c) The cost estimate must include a 5-year maintenance period for all plantings located in environmental buffers as part of the SPA requirements.
- d) The bond or surety must be posted before issuance of any building permit, Sediment Control Permit or Use and Occupancy Permit and will be tied to the development program. Completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.
- e) The bond or surety shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

14. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

15. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter and other applicable agency letters, development program, and Site Plan resolutions.
- b) Label the PIE on the easternmost driveway on Medical Center Drive.
- c) Modify the location of the parking structure's southern stair tower from the southeast corner to the southwest corner of the parking structure.
- d) Ensure the proposed handicap ramps and pedestrian refuge islands are aligned at the intersection of Medical Center Drive and Medical Center Way.
- e) Modify Landscape Sheet 7 to address minor technical corrections regarding the dimensions of the Category I Easement in relation to an existing storm drain easement.
- f) Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- g) Modify data table to reflect development standards approved by the Planning Board.
- h) Ensure consistency of all details and layout between Site and Landscape plans.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged and in full force and effect

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 9800 Medical Center Drive, Site Plan No. 81995045E, submitted via ePlans to the M-NCPPC as of the date of the Staff Report are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered 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, the Planning Board FINDS, with the conditions of approval, that:

1. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan as revised by previous amendments, and all findings not specifically addressed remain in effect.*

Not applicable; the Subject Property is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan.

2. *The site plan meets all of the requirements of the zone in which it is located.*

The purpose of the LSC Zone is to promote research, academic, and clinical facilities that advance the life sciences, health care services, and applied technologies. The approved uses are allowed in the LSC Zone. The Site Plan fulfills the purposes of the zone by providing a 175,840-square-foot lab/office building and a 746-car parking garage.

Development Standards

The following data table indicates the development's compliance with the Development Standards of the LSC Zone:

Development Standard	Permitted/Required	Approved
Maximum Building Height (feet) Sec. 59-C-5.31		
Building F	110' (by Master Plan)	93'
Garage	110' (by Master Plan)	80'
Minimum Building Setbacks (feet)		
From Medical Center Drive	N/A	65'
From Medical Center Way	N/A	48'
From Shady Grove Road	N/A	52'
Minimum Parking Garage Setbacks (feet)		

Development Standard	Permitted/Required	Approved
From Shady Grove Road	N/A	40'
From Adjacent Property	N/A	82'
Minimum Public Open Space (% of lot) Sec. 59-C-5.32	20% (3.63 acres)	20% (3.67 acres)
Maximum Floor Area Ratio (FAR)	0.69 FAR	0.58 (FAR)
Building Area (square feet)		
Previously approved	544,579 s.f. per preliminary plan	281,379 s.f. built
New development		175,840 s.f.
Total new and existing		457,219 s.f.
Remaining approved development		87,360 s.f.
Minimum Parking Spaces Sec. 59.6.2.4		
Total new and existing parking	915 ³	1098 (737 spaces in the garage + 361 surface spaces) (incl. 15 ADA)
Minimum Bicycle Parking Sec. 59-E-2.3	1 bicycle/20 vehicle spaces (20 max)	30 (20 in the garage and 10 outside Building F)
Minimum Motorcycle Parking Sec. 59-E-2.3	2% of total vehicle spaces (10 max)	10 spaces

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

The building and parking structures included in the Application are located on areas already developed as surface parking lots. These locations provide easy access to the building from adjoining sidewalks and parking. The Application will anchor the corner of Medical Center Way and Shady Grove Road and provide a more substantial presence than the existing surface parking lot. The locations of the buildings and structures are adequate and efficient, while meeting the aesthetic concerns of the area, and do not pose any safety concerns on the Subject Property.

The public open space will create a welcoming entrance to Building F and includes smaller external gathering spaces with tables, benches, and other seating areas, as well as clear public access. The stormwater management areas provide a landscaped buffer along Shady Grove Road. Street trees and lighting are provided

³ Based on the parking required for a 457,219-square foot project using a minimum parking ratio of 2.0 spaces per 1,000 square feet.

along the street to enhance the pedestrian environment. Interior lighting will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties. A natural surface trail opens the planted stream valley buffer area to pedestrian access while still providing for enhancement and protection of the natural area. The open spaces, landscaping, and site details adequately and efficiently address the needs of the use and the recommendations of the Master Plan, while providing a safe and comfortable environment.

The Applicant is providing the following pedestrian improvements:

- ADA-compliant crosswalks across the three legs of the Medical Center Drive/Medical Center Way intersections where they do not exist.
- ADA-compliant internal pedestrian connections to/from the new laboratory building and parking garage.
- Lead-in sidewalks from Medical Center Drive, Medical Center Way, and Shady Grove Road.

As conditioned, the Application provides adequate pedestrian access from adjacent sidewalks and efficiently integrates the Subject Property into the surrounding area.

The Site Plan includes the following bicycle improvements:

- An 8' shared-use path on this side of Medical Center Way.
- A 10' shared-use path on this side of Shady Grove Road.

As conditioned and described in more detail in the Staff Report, these bicycle improvements will ensure safe and adequate bicycle circulation.

The Subject Property currently includes 581 surface parking spaces for the existing 281,379 square feet of development, which is a ratio of 2.1 spaces/1000 square feet. The parking included in this Application consists of the removal of 364 surface parking spaces and the addition of a 746-parking space garage and 129 surface parking spaces incorporated into the site circulation, for a total of 1092 parking spaces onsite, which will be adequate to serve the Subject Property.

Per Preliminary Plan No. 120110080, the Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Greater Shady Grove Transportation Management Organization (TMO). The TMAg will apply to the entire development approved under the Preliminary Plan.

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

The approved 5-story Building F and associated 6-story parking garage will be compatible with other uses (surface parking lots in vicinity of the Subject Property at Shady Grove Adventist Hospital and Fire Station #32) and other site plans and existing and proposed adjacent development. The approved building will have a brick and glass facade with an office building character and the garage will have decorative metal screening at all levels.

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.*

Environmental Guidelines

Staff approved a Natural Resource Inventory/Forest Stand Delineation (No. 42017160E) on July 12, 2017. There are no forested areas or 100-year floodplains on the property. The Subject Property contains streams plus their buffers and a small area of wetlands and associated buffers. The total area of sensitive areas is approximately 2.1 acres.

Forest Conservation and Tree Save

The Subject Property is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code) but exempt from Article II under Section 22A-5(t). Staff approved a Forest Conservation Exemption on July 12, 2017 (Exemption No. 42017160E). However, the Applicant was required to provide tree cover over 15% of the site, under the conditions of approval for Site Plan No. 819950450. Additionally, Preliminary Plan No. 120110080 required afforestation of the environmental buffers. These plantings are shown on the Landscape Plan and will be covered by a Category I Conservation Easement.

Water Quality

This Site Plan Amendment is within the Piney Branch Special Protection Area (SPA). The Planning Board approved a Preliminary Water Quality Plan as part of Preliminary Plan No. 120110080. On December 1, 2016, a Final Water Quality Plan was approved in association with the approval of Site Plan Amendment 81995045D. This amendment requires approval of a new Final Water Quality Plan to address the development.

Approval authority for Water Quality Plans is split between the Montgomery County Department of Permitting Services (MCDPS) and the Montgomery County Planning Board. The MCDPS's approval authority includes performance goals or criteria for the approved best management practices (BMPs); the BMP monitoring plan (if required); the Stormwater Management Concept Plan; and the Erosion and Sediment Control Concept Plan. The Applicant's Water Quality Plan includes an approval letter from MCDPS for their portion of the Water Quality Plan review.

The Planning Board reviews Water Quality Plans for conformity with the Environmental Guidelines and for conformity with any policy or requirement for SPAs in master plans, watershed plans, development plans, or the Comprehensive Water Supply and Sewer System Plan. The Piney Branch SPA does not include a specific impervious limit on land development projects. In SPAs without a cap on imperviousness, developments are required to demonstrate that imperviousness has been minimized. Montgomery County Executive Regulations 29-95, Regulations for Water Quality Review-Special Protection Areas, require that the Final Water Quality Plan must include a plan that describes the development which minimizes impervious areas and, if applicable, meets any required imperviousness limits.

Currently, the total Subject Property has an imperviousness of 49.6 percent (391,850 square feet of impervious surfaces out of a total land area of 791,178 square feet). This Application will add 32,490 square feet of new impervious surfaces, increasing the total site imperviousness by 4.1 percent to 53.7 percent (424,340 square feet total impervious surface). By building largely on existing parking lots, the Application will increase the overall developed density on the site by 38.5% and reduce the net surface parking by 237 spaces. Fifteen current surface parking spaces will be removed from an existing wetland buffer, and the buffer restored in compliance with Conditions 4.a. and 4.b. of Preliminary Plan No. 120110080 as required by the approved Preliminary Water Quality Plan.

The additional increment of imperviousness associated with this Site Plan Amendment is minimal based on the following: (1) new development is confined largely to existing impervious areas resulting in a significant increase in development density with a small increase in impervious cover; (2) net reduction of surface parking by 237 spaces; (3) creation of structured parking; and (4) removal of 15 surface parking spaces within or adjacent to a wetland buffer, and restoration of the buffer.

BE IT FURTHER RESOLVED that this Resolution 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 this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is DEC 22 2017 (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 Commissioner Fani-González, seconded by Vice Chair Dreyfuss, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, December 14, 2017, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board