



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

MCPB No. 18-083
Site Plan No. 81998022G
Qiagen Limited Site Plan Amendment
Date of Hearing: July 26, 2018

SEP 13 2018

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.3, 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 March 12, 1998, the Planning Board (Resolution mailed on April 22, 1998), approved Site Plan No. 819980220, to construct 231,600 square feet of office, subject to conditions on 24.33 acres of land zoned I-1 and O-M, located on the north side of Germantown Road (MD Route 118) at the northeastern intersection of Dawson Farm Road ("Subject Property"), in the 1989 *Germantown Master Plan* ("Master Plan") area; and

WHEREAS, on January 20, 2000, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 81998022A, to increase density to 300,000 square feet of research and development, industrial and office uses on the Subject Property; and

WHEREAS, on October 17, 2002, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 8998022B, to construct 78,300 square feet of office and 11,700 square feet of day care on Lot 1 and granting a parking waiver for 11 spaces on the Subject Property; and

WHEREAS, on July 16, 2009, the Planning Board approved an amendment to the previously-approved site plan, designated Site Plan No. 81998022C, to construct a temporary parking facility on lot 1, redistribute research and development uses, revise the landscaping plans, reconfigure the entrance drive, and provide fire access on the Subject Property; and

Approved as to
Legal Sufficiency:

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WHEREAS, on October 18, 2010, the Planning Director approved an amendment to the previously approved site plan, designated Site Plan No. 81998022D, to reallocate gross floor area from building 4A and 2A to building 3A, add transformers at buildings 4 and 8, add underground fire protections behind building 3A, and add paths around the stormwater management pond on the Subject Property; and

WHEREAS, on November 19, 2012, the Planning Director approved an amendment to the previously-approved site plan, designated Site Plan No. 81998022E, to allow a hard surface access route required by PEPCO, a hard surface pathway for emergency egress from building 2, accessible egress from the parking garage and installation of a generator pad on the Subject Property; and

WHEREAS, on May 24, 2013, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 81998022F, to allow the construction of a 244,000 square foot building for office and research and development uses, a two level parking garage, a third level to an existing two-story parking garage, reconfiguration of the main entry area, and revisions to the lighting and landscaping plans on the Subject Property; and

WHEREAS, on April 6, 2018, Qiagen Sciences (“Applicant”) filed an application for approval of an amendment to the previously approved site plans to reduce the density of a previously-approved building on Qiagen Campus from 244,000 square feet to 150,000 square feet, while retaining the remainder of the previously-approved total density for future phases; to modify vehicular entry and the building footprint, add a connection from the new building to the existing building; and to replace the previously-approved two-story parking garage with a surface parking lot on the Subject Property; and

WHEREAS, Applicant’s application to amend the site plan was designated Site Plan No. 81998022G, Qiagen Limited Site Plan Amendment (“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 July 16, 2018, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on July 26, 2018, 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. 81998022G to reduce the density of a previously-approved building on Qiagen Campus from 244,000 square feet to 150,000 square feet, while retaining the remainder of the previously-approved total density for future phases; to modify vehicular entry and the building footprint, add a connection from the new building to the existing building; and to replace the previously-approved two-story parking garage with a surface parking lot on the Subject Property by adding the following conditions¹:

Environment

1. **Forest Conservation**

Prior to issuance of any building permit related to this Amendment, the Applicant must replace each individual tree removed from the 0.20-acre on-site landscape credit area at a 1:1 replacement ratio, if any. Replacement trees must be native to the Mid-Atlantic region, with a minimum size of 3 caliper inches. Planting of trees must be coordinated with the Maryland-National Capital Parks and Planning Commission (M-NCPPC) Montgomery Planning Department forest conservation inspector.

2. **Stormwater Management**

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated June 26, 2018, and hereby incorporates them as conditions of Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section, provided that the amendments do not conflict with other conditions of the Site Plan approval.

Transportation and Circulation

3. **Bicycle Facilities:**

- a. Prior to issuance of any building permit related to this Amendment, the Applicant must provide an engineer’s construction cost estimate for the drawings titled “Bikeway grading and layout plan” dated March 12, 2018 and uploaded into eplans for certification by the Montgomery County Department of Transportation (MCDOT) for future construction of a shared-use path (DB25) along the northern side of Germantown Road (MD 118).

¹ 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.

- b. Prior to Use and Occupancy Certificate, the Applicant must submit payment to the Countywide Bicycle Facilities Capital Improvement Program, to be initiated in the immediate vicinity to the Site, which payment shall be limited to the lesser of the following: (i) the engineering construction cost estimate certified by MCDOT; or (ii) an amount equal to \$205 per linear foot of frontage along MD 118, but not to exceed \$275,000.

Site Plan

4. Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for commercial development.
- b. All on-site light fixtures must be full cut-off or equivalent.
- c. Deflectors must be installed on all fixtures causing potential glare or excess illumination.
- d. Illumination levels must not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
- e. The height of the light poles, including the mounting base, must not exceed the height shown on the Certified Site Plan.

5. Surety

Prior to issuance of first building permit for this phase of development, the Applicant must provide a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, and in a form acceptable to the Commission's Office of the General Counsel, with the following provisions:

- a. Applicant must provide a cost estimate of the materials and facilities, which, upon Staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety must include but not necessarily be limited to, plant material, on-site lighting, site furniture, and entrance signage within this phase of development.
- c. Prior to issuance of the first building permit, Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board, in a form approved by the Office of General Counsel, that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d. The Bond/surety must be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and concomitant reduction of the surety.

6. Development Program

The Applicant must construct the development in accordance with a development program that will be reviewed and approved by M-NCPPC prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities associated with each parking facility or building must be installed prior to release of any building occupancy Certificate.
- b. Clearing and grading must correspond to the construction phasing to minimize soil erosion, the Final Forest Conservation Plan, the Sediment Control Plan, the M-NCPPC inspection and approval of all tree-save areas and protection devices.
- c. The development program must provide phasing for installation of on-site landscaping and lighting associated with each parking facility or building, subject to seasonal requirements.
- d. Landscaping associated with each parking facility or building must be completed as construction of each parking facility or building is completed, subject to seasonal requirements.
- e. Pedestrian pathways and seating areas associated with each parking facility or building must be completed as construction of each parking facility or building is completed.
- f. The development program must provide phasing SWM, sediment and erosion control and other features.

7. Certified Site Plan

Prior to approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to M-NCPPC Staff review and approval:

- a. Include the SWM concept approval, Fire and Rescue approval letter, development program, and Site Plan resolution on the approval or cover sheet.
- b. Modify the data table to reflect development standards enumerated in the Planning Board Resolution.
- c. Ensure consistency of all details and layout between Site and Landscape Plans.
- d. Revise the Site Plan and Landscape and Lighting Plans to include the 0.20-acre on-site landscape credit area required by Final Forest Conservation Plan 819980220. Include a notation that identifies this area as meeting forest conservation requirements and any removal of trees must be replaced in-kind, under the supervision of the M-NCPPC forest conservation inspectors.

- e. Internal sidewalk must extend from proposed building to existing parking lot.
- f. All pedestrian crossings on internal streets and drive aisles must meet ADA compliance, to include but not be limited to, features such as:
 - 1. Clear, unobstructed access to major site features (e.g. buildings, open space)
 - 2. Ramps and curb cuts
 - 3. Detectable warning strips

BE IT FURTHER RESOLVED that all other 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 81998022G, 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 this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan and all findings not specifically addressed remain in effect, except as modified below:

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.*

A portion of this development is located within the O-M zone, which is subject to the Schematic Development Plan G-652. As shown in the table below, the amended Site Plan continues to conform to the Binding Elements of Schematic Development Plan G-652, adopted on September 25, 1990.

Data Table: Development Plan G-652 (Binding Elements, O-M Zone only)

	Required Binding Elements	Proposed
Max. Building Coverage (%) ¹	20 %	13 %
Max. Floor Area Ratio (FAR)	0.5 maximum	0.42 FAR
Max. Building Height	5 stories (60 feet)	5 stories (60 feet)
Min. Green Area (%)	20 %	67 %
Min. Parking Setbacks (ft.)		
From Germantown Road (MD 118)	50 ft.	50 ft.
From Dawson Farm Road (A-254)	50 ft.	95 ft.
Min. Building Setbacks		
From Germantown Road (MD 118)	50 ft.	235 ft.
From Dawson Farm Road (A-254)	50 ft.	280 ft.
Side and Rear	20 ft.	35 ft.

¹ This does not include the parking structure, because the OM Zone permits additional building coverage for parking structures (Chapter 59C-4.311(b)).

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.*

The portion of the Property covered by this amendment is located within both the I-1 and OM zones, and the proposed uses are allowed in each of these zones. As discussed below, the Project continues to comply with the development standards of the I-1 and O-M zones.

Development Standards

The following Project Data Table indicates the proposal’s compliance with the Zoning Ordinance. Only the standards that are affected by this amendment are listed; a comprehensive modified data table will be included on the Certified Site Plan. In accordance with Zoning Ordinance Section 59E-3.7, and the binding elements of the Schematic Development Plan, the off-street parking requirements for the office use remain unchanged from the previously-approved Site Plan Amendment No. 81998022B. The R&D use does not have an associated parking rate calculation, however, the previously approved Site Plan Amendment Nos. 81998022A, 81998022C and 81998022D assumed the parking rate calculations of the industrial, manufacturing establishment or warehouse for these particular uses, and this Site Plan amendment is in keeping with those previous approvals.

Figure 10: Project Data Table for the I-1 and OM Zones

	Required By I-1 Zone	Proposed Within I-1	Required By OM zone & the Binding Elements	Proposed Within OM
Max. Building Height (ft.)	120 ft. (approx. 10 stories)	5 stories	5 stories	5 stories (approximately 60 ft.)
Min. Green Area	10 %	48 %	20 %	67 %
Max. Building Coverage	N/A	N/A	20 %	13 %
Min. Building Setbacks				
From Master Plan ROW (ft.)	10 ft.	250 ft.	50 ft.	235 ft.
From Adjacent Residential Properties toward the northwest (ft.)	½ of the building height	250 ft.	20 ft.	35 ft.
From Adjacent non residential Property toward the northeast (ft.)	10 ft.	35 ft.	20 ft.	35 ft.
Parking Calculations				
	Required Rate (per 1,000 sf)	Proposed use sf with amendment	Parking Required	
Office	3	68,000	204	
Research and Development	1.5	109,450	164	
Manufacturing	1.5	143,455	215	
Warehouse	1.5	70,495	106	
Required Total			689	
Proposed			842²	

²The total approved density for the site will require a total of 942 spaces, the remainder of which will be provided in a subsequent site plan for the remaining density

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

Locations of Buildings and Structures

The existing buildings and proposed structure of the development are centrally located within the site. The development is setback from Germantown Road, which is appropriate for the character envisioned by the 1989 *Germantown*

Master Plan and binding elements of the Schematic Development Plan. These locations provide easy access to the building from adjoining sidewalks and the existing surface and structured parking. The revised entryway provides a circulation pattern that safely balances the accessibility of pedestrians walking into the site or from the parking areas alongside one-way vehicles accessing the drop off and handicap parking near the building entry. The locations of the buildings and structures are found to be adequate, safe, and efficient.

Open Space, Landscaping and Lighting

Open space currently exists on site in the side and rear of the lot, as well as in buffer areas between the development and Dawson Farm Road and Germantown Road. The new building will be located in an area currently used as surface parking. The landscaping that has been planted along Dawson Farm Road and Germantown Road provides screening for the parking. Open space to the side and rear is used for stormwater management and forest conservation, and additional landscaping is provided within the circular entry drive to enhance the building entry. Germantown Road and Dawson Farm Road are already improved with street trees and lighting. Interior site lighting will provide sufficient and safe visibility while limiting glare on the adjacent roads or properties. Previous approvals have limited the height of lighting poles to 14 feet and required shielding as protective measures, which is maintained within this application. Because the site does not provide residential uses, there are no recreation facilities required for this Site Plan, but benches and bicycle facilities are provided. The open spaces, landscaping, and site details adequately and efficiently address the needs of the use and the recommendations of the 1989 *Germantown Master Plan*, while providing a safe and comfortable environment.

Pedestrian and Vehicular Circulation

Pedestrian circulation is provided onsite by existing sidewalks, which will be expanded by this amendment with the breezeway connection from the existing parking garage, and additional sidewalks to accommodate the new building.

The 2005 *Countywide Bikeways Functional Master Plan* recommends a shared-use bike path along Germantown Road. This recommendation has been reinforced by the 2009 *Germantown Employment Area Sector Plan* and the draft 2018 *Bicycle Master Plan*. Ordinarily, such Master Planned public infrastructure is implemented, either via construction or financial participation, by each development as it is approved, consistent with the Planning Board finding that the development is in conformance with the relevant Master Plans. However, under the old zoning (prior to 2014), Master/Sector Plan conformance is only found during review of Preliminary Plans. This site has not required a Preliminary Plan amendment since the approval of 11981142R in February of 2000, before the initial 2005 *Countywide Bikeways Functional Master Plan* recommendation.

While the numerous site plan amendments that have been approved since 2000 have not required the Planning Board to find conformance with these Master Plan recommendations, the overall connectivity of the Site within its larger community, and more locally circulation to and around the Site, would be greatly enhanced by the implementation of the shared-use path along Germantown Road. To that end, the Applicant has worked with Staff to begin to explore potential designs to implement the recommended path. The Applicant provided a design that would meet the minimum path width as prescribed in the 2005 *Countywide Bikeways Functional Master Plan* and 2018 *Bicycle Master Plan* documents and has offered to contribute financially to the ultimate construction of a shared-use path. The project has been conditioned to participate financially in the bicycle infrastructure Capital Improvement Program (CIP) effort for the county, to be utilized in the immediate vicinity of the Site. The condition limits the financial contribution to not exceed \$275,000, which was calculated based on a formula found in the Implementation Chapter of the 2005 *Countywide Bikeways Functional Master Plan* for minor projects: \$150 per linear foot (adjusted for inflation to 2018 dollars in the amount of \$205 per linear foot).

As conditioned, vehicular access accommodates both automobiles and bicycles through enhancements to the new building entry court, and provision of the financial contribution to the ultimate build-out of the shared-use path will enhance future bicycle infrastructure and safety along the Property's Germantown Road frontage. Considering the proximity to the Germantown Train Station, this path is essential to providing adequate, safe, and efficient bicycle access both into and along this central artery. As conditioned, pedestrian and vehicular circulation is adequate, safe, and efficient.

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

The new building design included in this amendment is compatible with the existing structures onsite as well as the existing development adjacent to the Property. The proposed building will be adjacent to an undeveloped parcel that backs up to the railroad ROW. The development meets all setbacks for the I-1 and OM zoning as well as the binding elements as prescribed in the Schematic Development Plan (G-662).

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.*

Environment

As conditioned, the Site Plan Amendment meets the requirements of Chapter 22A, Forest Conservation Law, and Chapter 19, Water Resource Protection. The

Subject Property is currently developed under the Final Forest Conservation Plan 819980220, and as amended under 81998022F. This Application is subject to Chapter 22A, Montgomery County Forest Conservation Law. The Applicant provided a Final Forest Conservation Plan Compliance Exhibit demonstrating compliance with the previously-approved Final Forest Conservation Plan 819980220, and all subsequent amendments to the Final Forest Conservation Plan. The proposed limits of disturbance (LOD) for the Application as shown on the submitted plans are located within the limits approved as part of Final Forest Conservation Plan 819980220 and all subsequent amendments. All forest conservation requirements were previously met through a combination of on-site forest retention, on-site reforestation, on-site landscape credit area planting, and off-site retention and reforestation. The Application proposes to impact some trees within the on-site landscape credit area and will replace those trees as directed by the recommended conditions of approval. As conditioned, the Final Forest Conservation Plan amendment must be submitted and approved by Staff prior to certification of the Site Plan.

Stormwater Management

The Site Plan received an acceptable recommendation for the stormwater management concept plan from the Montgomery County Department of Permitting Services, Water Resources Section on June 26, 2018 (Appendix B). The Application will meet stormwater management goals by providing micro-bioretenment and an existing on-site sand filter.

Noise Attenuation

Staff did not find adequate justification to require a noise analysis. The Application is not for a residential, hospital, or elderly housing use. Section 2.2.4 of the *Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development* includes guidance for office, commercial and industrial land uses. The Noise Guidelines note that these uses are “generally considered to be noise compatible land uses” and will not be reviewed for noise impacts except for situations where: 1) it appears likely that workers will be subjected excessive noise levels for an 8-hour period or 2) in CBD or Transit Station area, where noise impacts would be such that provided amenity spaces would not be able to be used for their intended purpose. The noise generated by the railroad will be intermittent, and not be continuous over an 8-hour period, and the Subject Property is not located within a CBD or Transit Station area. Furthermore, the proposed building is located approximately 250 feet south of the existing CSX railroad tracks, it will be buffered from the railroad tracks by existing forest protected in a Category I conservation easement, and the proposed outdoor amenity space is buffered by the existing forest and the proposed building.

Section 59-D-3.4(d) states that the Planning Board must not approve the proposed plan if it finds that the proposed development would not achieve a maximum of compatibility, safety, efficiency, and attractiveness. The fact that a proposed site plan may comply with all the applicable development standards or other specific requirements of the applicable zone does not, by itself, create a presumption that the proposed site plan is, in fact, compatible with surrounding land uses and, in itself, is not sufficient to warrant recommending the Planning Board to approve the proposed site plan.

Over the last 15 years, the area and functional Master Plans have consistently identified that ongoing development in the Germantown area will increase demand on existing infrastructure, requiring safety and efficiency enhancements for bicycle and recreational activities within the community. The implementation of the Germantown Road shared-use path has remained a transportation priority to address this need. By virtue of the timing of the approvals for this development, which span almost 30 years, the Planning Board has not, at this point, required this development to participate in the implementation of this high-priority public infrastructure improvement. Were this site to be evaluated under the 2014 Zoning Code, construction of the shared-use path would have been conditioned for conformance with the 2005 *Countywide Bikeways Functional Master Plan*. Therefore, to achieve maximum compatibility, safety, efficiency, and attractiveness to the surrounding area, the Board now conditions that the Applicant participate in its implementation through a financial pro-rata contribution to the Countywide Bicycle CIP fund to be utilized in the immediate vicinity of the Site.

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 SEP 13 2018 (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 Commissioner Cichy, with Chair Anderson and Commissioners Fani-González, Cichy, and Patterson voting in favor, and Vice Chair Dreyfuss absent at its regular meeting held on Thursday, September 6, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board