

Agenda for Montgomery County Planning Board Meeting
Thursday July 15, 2004, 9:30 A.M.

8787 Georgia Avenue
Silver Spring, MD 20910-3760

Board Action

Roll Call Approval of Minutes: March 4, 2004 Commissioners' Reports Directors' Reports Reconsideration Requests	
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GENERAL MEETING (*Third Floor Conference Room, 8787 Georgia Avenue, Silver Spring*)

- A. Administrative Items
- B. Parks Strategic Plan – *Re-approval*
- C. *Closed Session pursuant to Maryland State Government Code Annotated Section (10-508) (a) (7)*
(Subject: Litigation – Brookside Gardens)
- D. *Closed Session pursuant to Maryland State Government Code Annotated Section (10-508) (a) (7)*
(consider acquisition of real property for a public purpose)
- E. *Closed Session pursuant to Maryland State Government Code Annotated (10-508) (a) (4)*
(proposal for a business to locate, expand or remain in the state) (Subject: Washington Gas)
- F. *Closed Session pursuant to Maryland State Government Code Annotated Section (10-508) (a) (7)*
(Subject: Grosvenor)
- G. *Closed Session pursuant to Maryland State Government Code Annotated Section (10-508) (a) (7)*
(consult with counsel to obtain legal advice)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

1. **Authorization to Exchange Lands with the Maryland State Highway Administration:**
Master Planned Intercounty Connector Right-of-Way for former Rockville Facility Right-of-Way

Staff Recommendation: Approval.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

2. Subdivision Regulation Waiver No. SRW-04004 United Therapeutics (Section 50-20[b])

CBD-1 Zone; 2.2 acres; 148,598 square feet of office and 16,000 square of retail; two (2) lots requested

Community water and community sewer.

Located on the southeast quadrant intersection of Cameron Street and Spring Street

Applicant: United Therapeutics

Engineer: Macris, Hendricks & Glascock, P.A.

Attorney: Holland & Knight LLP

Policy Area: Silver Spring

Staff Recommendation: Approval, pursuant to Section 50-38 of the Subdivision Regulations for a structure crossing a lot line (50-20[b]), subject to the following condition:

- 1) Limit SRW-04004 pursuant to Section 50-38(a)(1) of the Montgomery County Code's Subdivision Regulations to the following:
 - a. Waive Section 50-20(b) to permit issuance of building permits with the proposed pedestrian overpass that crosses property lot lines -- connecting the seventh floors of the proposed buildings on Lot 1 and Lot 11 above Cameron Street's public right-of-way.
 - b. Associated with this waiver, the subdivision requirement to dedicate 2.5 feet of right-of-way along the entire west side of the frontage of Lot 1 on Cameron Street, and 5 feet of right-of-way along the west side of the frontage of Lot 1 on Spring Street in the location of the existing steps only

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

3. Project Plan Review No. 9-04007, United Therapeutics Silver Spring Campus

CBD-1 zone; 2.19968 acres; Approval of 213,032 gross square feet of development, including 16,000 square feet retail, 148,598 square feet office and 48,434 square feet laboratory of which 21,396 gross square feet is cellar space; southwest & southeast quadrant of the intersection of Cameron Street and Spring Street; Silver Spring & Vicinity, PA-36

APPLICANT: United Therapeutics Corporation
ENGINEER: Macris, Hendricks, & Glascock, P.A.

Staff Recommendation: Approval with conditions.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

4. Preliminary Plan No. 1-04087 - United Therapeutics

CBD-1 Zone; 2.1997 acres; 148,598 square feet of office and 16,000 square of retail; two (2) lot requested for Religious Institution

Community water and community sewer.

Located on the southeast quadrant intersection of Cameron Street and Spring Street

Applicant: United Therapeutics

Engineer: Macris, Hendricks & Glascock, P.A.

Attorney: Holland & Knight LLP

Policy Area: Silver Spring

Staff Recommendation: Approval, subject to the following conditions:

- 1) Limit the project plan and preliminary plan to up to 213,032 gross square feet consisting of 148,598 gross square feet of general office use, 48,434 gross square feet of R&D office/laboratory use, and 16,000 gross square feet of general ground-floor retail uses (i.e., including 21,396 gross square feet of usable cellar space). The proposed non-residential development is divided into two phases on two different lots as follows:
 - a. Phase 1: On Lot 1, replace the existing public surface Parking Lot 21 with up to 48,434 gross square feet of Laboratory/R&D office use that includes 12,020 gross square feet of usable cellar space.
 - b. Phase 2: On Lots 1 & 11, the proposed land uses are as follows:
 - [1] On Lot 1, up to 70,538 gross square feet of additional general office use and up to 6,479 gross square feet of general ground-floor retail uses that includes underground parking.
 - [2] On Lot 11, retain the existing 9,290 gross square feet used as their existing headquarters space (i.e., at 1110 Spring Street) that includes 2,800 gross square feet of usable cellar space.
 - [3] On Lot 11, replace the existing three-story medical building and dental office in the detached residential structure with an eight-story building consisting of the following:
 - [a] 9,521 gross square feet of general ground-floor retail uses
 - [b] 68,725 gross square feet of general office use that includes 6,776 gross square feet of usable cellar space.
- 2) Prior to the release of building permits, enter into a Transportation Management Agreement with the Planning Board and the Montgomery County Department of Public Works and Transportation (DPWT) to participate in the Silver Spring Transportation Management District in achieving and maintaining its traffic mitigation goal for new development of auto drivers being no more than 50% of all employees arriving and departing during the weekday morning peak period (6:30 to 9:30 a.m.) and the weekday evening peak period (4:00 to 7:00 p.m.)

Preliminary Plan No. 1-04087 - United Therapeutics (continued)

- 3) Associated with recordation of plat(s), enter into an easement for future dedication of five feet of right-of-way along Spring Street where the existing steps serving the United Therapeutics existing headquarters on Lot 11 are now within the master-planned right-of-way. Elsewhere along Lot 11's frontage, dedicate five feet of right-of-way for 40 feet from the centerline of Spring Street.
- 4) At record plat, dedicate a standard 25-foot truncation at the corner of intersection of Spring Street and Cameron Street of Lot 11. Dedication for truncation is not recommended along Cameron Street fronting Lot 1.
- 5) The applicant to request a waiver for all non-standard streetscape improvements as well as a maintenance and liability agreement at Site Plan.
- 6) Applicant shall enter into an agreement with the Silver Spring Urban District for maintenance of all or some of the streetscape improvements as appropriate.
- 7) Coordinate with DPWT to relocate vehicular access and pedestrian accommodations to Parking Garage No. 21 along the southern property line of Lot 1.
- 8) Coordinate with DPWT regarding improvements at the intersection of Spring Street and Cameron Street and other nearby intersections associated with their Silver Spring Pedestrian Study.
- 9) Compliance with the conditions of approval of the MCDPS stormwater management pursuant to letter dated May 12, 2004.
- 10) Compliance with conditions of MCDPWT letter dated, June 30, 2004 unless otherwise amended.
- 11) Coordinate with the Silver Spring Regional Center on the placement of the proposed Type D2 wayfinding sign (Sign #299) located on Spring Street east of Cameron Street prior to Site Review.
- 12) Provide Class III (signed, shared with motorized vehicles) bikeways for both Spring Street and Cameron Street.
- 13) This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to this date, a final record plat must be recorded for all property delineated on the approved preliminary plan, or a request for an extension must be filed.
- 14) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion
- 15) Other necessary easements

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

5. Rachel Carson Greenway Trail Corridor Plan

Issues and Outreach Report –

Staff Recommendation: Approval.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

6. Workforce Opportunity on Park Property: Status Report

Staff Recommendation: Approval.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

7. Intercounty Connector

Staff Recommendation: Discussion and direction to staff. (Public testimony will be limited to 2 hours)

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

8. Zoning Text Amendment No. 04-08

Introduced by District Council at the request of the County Executive; amend the Zoning Ordinance to permit a security pavilion in the RE-2, Re-1, R-200, and the agricultural zones

Staff Recommendation: Approval with modifications.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

9. Proposed Zoning Text Amendment

Amend the Zoning Ordinance to clarify the intent and purpose of the RNC Zone, including the rural open space requirements, and to establish required findings for approval of preliminary plans

Staff Recommendation: Transmit to County Council for introduction.

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

10. Preliminary Plan No. 1-04018 North Airpark Business Park

I-4 Zone; 134.07 acres; twenty three (23) lots requested; 310,870 square feet of office; 405,405 square feet of retail, 513,250 square feet research & development

Community water and community sewer

Located on the east side of Snouffer School Road, approximately 10,000 feet northeast of Center Way

Applicant: Airpark North Business Park
Engineer: Charles P. Johnson & Associates
Attorney: Lerch Early & Brewer, Chartered

Policy Area: Montgomery Village/Airpark

Staff Recommendation: Approval, subject to conditions:

*******See Discussion in Staff Report *******

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action:

11. **Record Plats**

Staff Recommendation: The following record plat is recommended for APPROVAL, subject to the appropriate conditions of approval of the preliminary plans and site plans if applicable, and conditioned on conformance with all requirements of Chapter 50 of the Montgomery County Code.

2-04285 Park Place
 West side of Ridge Road, approximately 600feet north of Kakae Drive
 RE-2C Zone, 3 lots, 1 parcel
 Community water, community sewer
 Planning Area: Bennett & Little Bennett
 Park Place Development, L.L.P., Applicant

Plat No. Clarksburg Village
 2-05002 Southeast quadrant of Piedmont Road and Stringtown Road
 to Plat No. R-200 TDR Zone, 209 lots, 17 parcels
 2-05008 Community water, community sewer
 Planning Area: Clarksburg & Vicinity
 Elm Street Development, Inc., Applicant

2-05009 Greenway Village
 Road dedication for Skylark Road, east of Piedmont Road
 PD-4 Zone
 Community water, community sewer
 Planning Area: Clarksburg & Vicinity
 The Artery Group, Applicant

2-05011 Liberty Heights
 East side of Germantown Road, between Germantown Road and Liberty Mill
 Road
 RT-6 Zone, 11 lots, 2 parcels
 Community water, community sewer
 Planning Area: Germantown
 Joav Steinbach, Applicant

Staff Recommendation: Pursuant to section 50-35A, the following minor subdivision plats are recommended for approval subject to any applicable conditions of previous preliminary plans approvals and conditioned on conformance with all requirements of Chapter 50 of the Montgomery County Code.

2-04286 Chevy Chase, Section One
 South side of Oliver Street, approximately 250 feet west of Western Avenue
 R-60 Zone, 1 lot
 Community water, community sewer
 Planning Area: Bethesda-Chevy Chase
 Thomas & Allison Giles, Applicant

Record Plats (continued)

2-05010 Greenway Village
 South of Skylark Road, between Stringtown Road and Newcut Road
 PD-4 Zone, 2 lots, 1 parcel
 Community water, community sewer
 Planning Area: Clarksburg & Vicinity
 The Artery Group, Applicant

BOARD ACTION

Motion:

Vote:

Yea:

Nay:

Other:

Action: