



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

MCPB No. 17-018
Adequate Public Facilities Determination
United Therapeutics
Date of Hearing: February 9, 2017

MAR 28 2017

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 8, Section 8-31(b), the Montgomery County Department of Permitting Services (“MCDPS”) may issue a building permit only if the Planning Board has made a timely determination that public facilities will be adequate to serve the proposed development encompassed by the permit application; and

WHEREAS, this provision applies to each applicant for a building permit on a recorded lot for which no valid finding of adequate public facilities (“APF”) has been made, including any recorded lot for which an original finding of adequate public facilities has expired; and

WHEREAS, on November 28, 2016 United Therapeutics Corporation (“Applicant”) filed an application for approval of an APF determination for a 20,000-square-foot office building on approximately 0.20 acres zoned EOF-3.0 H-100, located at 1101 Spring Street, Silver Spring on Parcel 6 (“Subject Property”) in the North and West Silver Spring Master Plan (“Master Plan”) area; and

WHEREAS, Applicant’s application for the APF determination was designated Adequate Public Facilities Test No. APF201701 (“Application”); and

WHEREAS, Planning Board staff (“Staff”) issued a memorandum to the Planning Board, dated January 26, 2017, setting forth its analysis and recommendation for approval of the Application subject to certain conditions (“Staff Report”); and

WHEREAS, on February 9, 2017, the Planning Board held a public hearing on the Application at which it received evidence submitted for the record on the Application and at which time the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below.

Approved as to
Legal Sufficiency: 

M-NCPPC Legal Department

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

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

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NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board adopts the Staff's recommendation set forth in the Staff Report and hereby approves the Adequate Public Facilities determination subject to the following conditions¹:

- 1) This APF determination is limited to a maximum of 20,000 square feet (gross floor area) of office use or similar employment land uses with the same or fewer projected peak hour trips.
- 2) Prior to release of any building permit for new construction, the Applicant must make the Transportation Policy Area Review (TPAR) payment to Montgomery County Department of Permitting Services (MCDPS) equal to 25% of the applicable development impact tax. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.
- 3) The Applicant must provide one short-term bicycle parking space ("inverted U" rack or similar) and three long-term bicycle parking spaces as required by the Zoning Ordinance Section 59.6.2.4.c. The bicycle parking spaces will be located on property owned by the Applicant within the United Therapeutics campus as shown in Attachment 3 of the staff report.

BE IT FURTHER RESOLVED, that this Adequate Public Facilities determination will remain valid for 85 months from the date of mailing of this Planning Board Resolution and that prior to the expiration of this validity period, a request for an extension must be filed; 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 MAR 28 2017 (which is the date that this Resolution is mailed to all parties of record); and

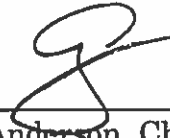
¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Fani-González and Cichy voting in favor, and Commissioner Dreyfuss absent at its regular meeting held on Thursday, March 23, 2017, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board