



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

JUN 06 2019

MCPB No. 19-055
Site Plan No 81998031B
9900 Medical Center Drive
Date of Hearing (Consent Item): May 23, 2019

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 July 16, 1998, by MCPB Opinion, mailed on July 24, 1998, the Planning Board, approved Site Plan No. 8199801310, for a 45,223 square foot R&D/office building with 67 existing off-street surface parking spaces on 4.76 acres of LSC zoned-land, located at 9900 Medical Center Drive ("Subject Property"), in the 2010 Great Seneca Science Corridor Master Plan area; and

WHEREAS, on March 20, 2002, the Planning Director approved an amendment to the Site Plan No. 819980131A to make minor changes to the landscape plan on the Subject Property; and

WHEREAS, on November 27, 2018, ARE Maryland No. 39, LLC ("Applicant"), filed an application to the previously approved site plan(s) to add 50 surface parking spaces and associated lighting, landscaping, and stormwater management facilities; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No.81998031B, 9900 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 May 13, 2019, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

Approved as to
Legal Sufficiency:

Christa Sant 5/15/19

WHEREAS, on May 23, 2019, Staff presented the Amendment to the Planning Board as a consent item for its review and action, at which time the Planning Board voted to approve the Amendment subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves Site Plan No. 81998031B, subject to the following conditions:

1. The Applicant must comply with all Preliminary Plan and Site Plan conditions of approval for this project.
2. The Applicant must comply with the conditions of the approved Forest Conservation Exemption No. 42019068E, dated November 8, 2018.
3. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Preliminary/Final Water Quality Plan approval letter dated March 21, 2019 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. 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 March 21, 2019 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. Prior to the end of the first planting season after the issuance of the final Use and Occupancy Certificate, all landscape plant materials must be installed.
6. 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-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, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, sidewalks, bikeways, private utilities, paths, and associated improvements of development.

- c. 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.
 - d. 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.
 7. 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.
 8. 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. 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."
 - c. Modify data table to reflect development standards approved by the Planning Board.
 - d. 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, having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference, the Montgomery County Planning Board **FINDS**, with the conditions of approval, that this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, as revised by previous amendments, and that all findings remain in effect; and

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 Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this written Resolution is JUN 06 2019 (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 and Cichy voting in favor, and Vice Chair Dreyfuss and Commissioner Patterson absent at its regular meeting held on Thursday, May 23, 2019, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board