



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

JUN 01 2021

MCPB No. 21-037
Sketch Plan No. 320210040
United Therapeutics Project 242T
Date of Hearing: April 15, 2021

RESOLUTION

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

WHEREAS, on January 13, 2021, United Therapeutics Corporation ("Applicant") filed an application for approval of a sketch plan for construction of up to 65,000 gross square feet of medical/scientific manufacturing and production uses in a building of up to 100 feet in height on 0.82 acres of EOF-3.0 H-100' zoned-land, located at 8830 and 8808 Cameron Street in Silver Spring ("Subject Property") in the Silver Spring CBD Policy Area and 2000 *North and West Silver Spring Master Plan* ("Master Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320210040, United Therapeutics 242T ("Sketch Plan" 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 April 5, 2021, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on April 15, 2021, 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, on April 15, 2021, the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Fani-Gonzalez,

seconded by Commissioner Verma, with a vote of 5-0; Commissioners Anderson, Cichy, Fani-Gonzalez, Patterson and Verma voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320210040, United Therapeutics 242T, for construction of up to 65,000 gross square feet of medical/scientific manufacturing and production uses in a building of up to 100 feet in height on the Subject Property, subject to the following binding elements and conditions:¹

A. Binding Elements. The following site development elements are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

1. Density

The Sketch Plan is limited to a maximum of 65,000 gross square feet of medical/scientific manufacturing and production uses. The final square footage will be determined at Site Plan.

2. Height

The development is limited to a maximum height of 100 feet, as measured from the building height measuring point to be illustrated on the Certified Site Plan.

3. Incentive Density

The development must be constructed with the public benefits listed below unless modifications are made under Section 59.7.3.3.I. and this Sketch Plan is amended. Total points must equal at least 60 and be chosen from at least three categories as required by Section 59.4.6.4.A.2. The requirements of Division 59.4.7 and the *Commercial/Residential and Employment Zones Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval. The proposed categories are as follows:

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

- a. Major Public Facilities, achieved through solar panel contribution from the 8830 Cameron Street building to the Parks Department;
- b. Transit Proximity, achieved by locating a Project within ½ mile of major public transit facilities;
- c. Connectivity and Mobility, achieved by providing fewer than the maximum parking spaces under the Zoning Ordinance;
- d. Quality of Building and Site Design, achieved through exceptional design; and
- e. Protection and Enhancement of the Natural Environment achieved through vegetated roof and a cool roof design.

4. MCDOT letter

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated February 19, 2021, and hereby incorporates them as conditions of the Sketch Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Sketch Plan approval.

BE IT FURTHER RESOLVED that having given full consideration to 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 and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

1. *The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.*

a. Development Standards

The Subject Property includes approximately 0.82 acres zoned EOF-3.0 H-100'. The data table below demonstrates the Application's conformance to the applicable development standards of the zone.

Data Table

Section 59.4	Development Standard	Permitted/Required	Approved
	EOF 3.0 H-100' 8830 Cameron St 8808 Cameron St TOTAL Tract Area	n/a	25,692 sf (0.59 ac) 9,850 sf (0.23 ac) 35,542 sf (0.82)
	Prior Dedication Proposed Dedication Site Area	n/a	9,392 sf (0.22 ac) 0 sf 26,150 sf (0.60 ac)
	Commercial Density (GFA/ FAR) EOF 3.0 H-100'	106,626 sf (3.0)	65,000 sf (1.83 FAR)
	Total Maximum GFA/ FAR	106,626 sf (3.0)	65,000 sf (1.83 FAR)
	Building Height (max)	100 feet	100 feet
	Public Open Space (min)	0%	0%
	Minimum Setbacks (feet)		
	Front	0	0
	Side	0	0
	Rear	0 ¹	20 ²

¹Subject to Residential Compatibility Standards of Section 59.4.1.8.A.1.b of the Zoning Ordinance, the required rear setback is zero, in accordance with the general building setbacks under Section 59.4.6.3.E.3 "Rear setback, abutting all other zones".

²The Applicant is providing a rear setback of 20 feet consistent with the rear setback requirements of the R-T 12.5 Standard Method development standards are under Section 59.8.2.4.B.1.

Section 59.4.1.8 – Residential Compatibility

The Residential Compatibility Standards of Section 59.4.1.8.A.1.a (which triggers 59.4.1.8.A.2) and 59.4.1.8.B do not apply to this Site. The Zoning Ordinance states that height and setback standards are applicable to a property in the employment zone that "abuts a property in an Agricultural, Rural Residential, Residential Detached, or Residential Townhouse zone that is vacant or improved with an agricultural or residential use". The Department of Permitting Services ("DPS") has determined, in a letter dated March 10, 2021 (Attachment A), that while the adjacent property is within a Residential Townhouse Zone, it is an HOA common parcel (Parcel A) that is improved with paving, striping, and curbs - not a residential use that abuts the Subject Property, therefore the standards for height under 59.4.1.8.B and the setbacks under 59.4.8.1.A.2 do not apply. The Planning Board and Staff, having conducted their own independent review and analysis, concur with the determination made by the Department of Permitting Services. What does apply for this project is Section 59.4.1.8.A.1.b (setback

measurement). Section 59.4.1.8.A.1.b states that "On a property in a Residential Multi-Unit, Commercial/Residential, Employment, or Industrial zone for which Section 4.1.8.A.1.a does not apply, the minimum side and rear setbacks are equal to the setbacks required for "Side setback, abutting all other zones" and "Rear setback, abutting all other zones" in the applicable standard method development standards tables in Division 4.4 through Division 4.8." Although, the required rear setback is zero, the new building is set back 20 feet from the property line, consistent with the rear setbacks required in the adjacent R-T 12.5 Zone.

In addition, Planning Staff analyzed and evaluated the project, based on the compatibility section in the Zoning Ordinance, and requested the Applicant show compatibility with the adjacent townhouses from the townhouse lot line, demonstrating that the project meets the 45 degree angular plane, measured from structure to structure. Although DPS and Planning Staff agree that Sections 59.4.1.8.A.1.a and 59.4.1.8.B do not apply to this project, as depicted in the Staff Report, the building does not protrude beyond a 45 degree angular plane, as measured from the townhouse lot line to the new building. This is consistent with how Staff approaches similar projects that are located adjacent to properties that are zoned R-60 but not improved with a residential use, such as a park or parking lot, and therefore the project addresses the Zoning Ordinance requirements appropriately. The abutting HOA parcel is not vacant nor used for an agricultural or residential use, and pursuant to applicable Maryland law, the paving, string, landscaping, sidewalks and curbs in the HOA parcel meet the definition of "improved."

In addition, per Section 59.1.4.2 of the Zoning Ordinance, "confronting" is defined as "Properties that are directly across a right-of-way with a master plan width of less than 80 feet from each other based on a line between the 2 properties that is drawn perpendicular to the right-of-way." The HOA common parcel (private street) is not a master-planned right-of-way, therefore Section 59.4.1.8.B.2.b. does not apply.

In regard to the compatibility requirements as they pertain to the existing single-family residential homes to the north, the existing R-60 zoned parking lot associated with the Subject Property and included in the Site Plan application separates the new building in the EOF zone from the single-family detached homes, and therefore the new building does not abut or confront (as defined in the Zoning Ordinance) the single-family homes to the north. Although, these requirements do not apply, Planning staff requested the Applicant provide a plan showing where the setback would start, as depicted in the Staff Report. This diagram shows where a

height setback would start, set 30 feet back from the residential lot to the north, and where the setbacks would end at the 100-foot height, which falls in the associated parking lot.

The Sketch Plan conforms to the intent of the EOF zone, per Section 59.4.6.1.A of the Zoning Ordinance as described below:

The Project substantially conforms to the recommendations for the Property included in the 2000 *North and West Silver Spring Master Plan*. Specifically, this Master Plan seeks to enhance stable neighborhoods, upgrade local commercial centers, and improve pedestrian and bikeway connections. The intent of the GR, NR, LSC, and EOF zones is to:

1. implement the recommendations of the applicable master plans;
2. target opportunities for employment, technology, and general commercial uses;
3. provide employment areas with supporting residential and retail uses;
4. allow a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods; and
5. establish minimum requirements for the provision of public benefits.

The Property is located in the North Silver Spring area of the Master Plan, which reconfirmed the existing zoning. Any new or infill development should be compatible with the existing residential character. The Land Use Map identified the existing use of this site as office and parking, and the Medical/Scientific Manufacturing and Production use with associated surface parking will generally be in the same location as the existing buildings, meeting the intent of the Sector Plan.

The Project will redevelop two existing office buildings into a well-designed, contemporary building that will be designed to match the existing United Therapeutics Campus. While the surface parking will remain, parking has been reduced and will be designed to increase buffer between the site and the surrounding neighborhoods.

The Project encourages such development by proposing a new building for science production that will increase employment in the area. The Project will be adjacent to the Silver Spring CBD and in walking distance to transit facilities, and other urban amenities, and will enhance an existing pedestrian connection from downtown Silver Spring to the adjacent residential neighborhood.

The building height of 100 feet is compatible with the surrounding residential development, as the location of the building will provide a generous setback to the single-family residential area in the rear. The site design includes new landscaping to further screen the Project and associated parking from the neighboring townhouses.

The Project will provide the required public benefits from a minimum of 3 categories to achieve the desired incentive density above the standard method limit. Final determination of public benefit points will be determined at the time of Site Plan.

b. General Requirements

i. *Site Access*

Vehicular access and loading for the Site will be provided from Cameron Street, via the new consolidated curb cut, which will also provide access to the designated off-street loading area and the cellar access driveway ramp. Long-term bicycle parking will be provided within the cellar, accessed by the driveway ramp.

Pedestrian access to the Site will be from the established sidewalk network. An existing mid-block pedestrian connection between the terminus of Cameron Street and South Noyes Drive will be enhanced by additional planting and improved lighting.

ii. *Parking, Queuing, and Loading*

Parking for the new building will be provided in the reconfigured surface parking lot accessed from the existing driveway on the bulb of the Cameron Street cul-de-sac. The surface parking lot has a capacity of 47 vehicles as well as 3 motorcycle spaces. The 47 spaces break down into the following categories: 43 typical parking spaces, 2 spaces with electrical charging stations, one ADA van space, and one ADA typical space. With 47 total spaces, this is fewer than the required minimum 65 parking spaces, which is permitted as the Site is located within the Silver Spring Parking Lot District boundary (Section 59-6.2.3.H.1.a).

Vehicular and loading access will occur via Cameron Street via the consolidated curb cut on Cameron Street. Loading for the Project will occur internal to the Site. The Project demonstrated that the designated space can safely accommodate an SU-30 truck.

iii. *Open Space and Recreation*

In the EOF zone, properties with tract areas ranging between 1 acre and 3 acres and having 1 frontage are not required to provide any public open space, per Section 59.4.6.4.B.1 of the Zoning Ordinance.

iv. *General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by employees, visitors, and those utilizing the mid-block pedestrian connection.

2. *The Sketch Plan substantially conforms to the recommendations of the Master Plan.*

As discussed above, the Project substantially conforms to the recommendation of the 2000 North and West Silver Spring Master Plan. The Land Use Map identified the existing use of this site as office and parking, and the new building for medical/scientific manufacturing and production and associated surface parking provided with the Project will generally be in the same location as the existing buildings, meeting the intent of the Master Plan. Further, the Project will strengthen the function, character, and appearance of Cameron Street and its surroundings with a modern building and improved landscaping

3. *The Sketch Plan satisfies, under Section 7.7.1.B.5 of the Zoning Ordinance, the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

The Sketch Plan is not subject to a development plan or schematic development plan.

4. *The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development.*

The Project has been designed to be compatible with the surrounding existing and proposed development. The new building will be generally located within

the footprints of the existing two buildings, and while the new building height is taller than the existing building, it will be within the maximum allowed height of the Property's zoning. Furthermore, the existing townhouses provide an appropriate transition from the office to the nearby single-family residential. To the south, the Project will blend with the other existing United Therapeutics Campus development, and to the north, the Project will enhance existing pedestrian connections with the residential neighborhood along S. Noyes Drive, and increase buffer areas and screening through landscaping.

5. *The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.*

The circulation, parking, and loading is safe, adequate and efficient. Pedestrian access will be accommodated along the Cameron Street frontage. Parking for the new building will be provided in the reconfigured surface parking lot accessed from the existing driveway on the bulb of the Cameron Street cul-de-sac. The surface parking lot will be reduced in size and accommodation from 88 spaces to 47 vehicles, as well as 3 motorcycle spaces. With 47 total spaces, this is fewer than the required minimum 65 parking spaces, which is permitted as the Site is located within the Silver Spring Parking Lot District boundary (Section 59-6.2.3.H.1.a).

Vehicular and loading access will occur via Cameron Street via the consolidated curb cut. Loading for the Project will occur internal to the Site.

6. *The Sketch Plan proposes an outline of public benefits that supports the requested incentive density and is appropriate for the specific community.*

Taking into account the considerations in Section 59-4.7.1.B, including the recommendations and objectives of the Master Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the Planning Board finds that the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site. Final determination of public benefit point values will be determined at Site Plan.

For the development, the Zoning Ordinance requires 60 points in 3 categories. Although at the time of Sketch Plan review only the categories need be approved, the following table shows both the categories and points

for the public benefits requested at Sketch Plan to demonstrate the project's ability to meet the requirement to provide sufficient benefit points.

Public Benefit	Incentive Density Points	
	Max Allowed	Approved in Concept
59.4.7.3.A: Major Public Facilities		
Solar Panel Contribution	40	40
59.4.7.3.B: Transit Proximity		
½ Mile of SS Metro	15	15
59.4.7.3.C: Connectivity and Mobility		
Minimum Parking	10	10
59.4.7.3.E: Quality of Building and Site Design		
Exceptional Design	10	5
59.4.7.3.F: Protection and Enhancement of the Natural Environment		
Cool Roof	10	5
Vegetated Roof	15	7.5
TOTAL		82.5

Major Public Facilities

Solar Panel Contribution: The Applicant requests points under this category for the donation of the existing solar panels from the 8830 Cameron Street building to the Parks Department in order to assist the Department's goals to increase the use of solar energy in its facilities. The Applicant and Parks have preliminarily identified three potential sites for the use of the panels. The donation value is estimated at \$315,000. The Planning Board supports the Applicant's request.

Transit Proximity

The Applicant requests points under this category for the Site being located within ½ mile of major public transit including the Silver Spring Metro Station and Transit Center.

Connectivity and Mobility

Minimum Parking: The Applicant requests 10 points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points for providing the maximum allowable number of on-site spaces to 10 points for providing no more than the minimum numbers of spaces on site. At this time, the Applicant is proposing 47 parking spaces, which is 148 spaces fewer than the maximum allowed in this zone. Final determination will be made at Site Plan and the Planning Board supports the Applicant's request.

Quality of Building and Site Design

Exceptional Design: The Applicant requested 10 points for exceptional design. While only one building is provided with this application, the Applicant sees this as an extension of the existing United Therapeutics Campus. The building will utilize materials similar to other structures within the Campus to maintain a consistent composition, while proposing a building massing that is unique in size and shape. Each façade was individually designed to break down the building's scale and varies in material and color. The materials respond to the spaces they enclose, such as louvers at mechanical floors, glazing at circulation corridors, and metal panel rainscreen where durability and privacy are priorities. At upper floors, transparent glazing is provided. Sustainable features have been incorporated into the site and building design, such as solar panels, green roof, cool roof, stormwater reclamation, geoexchange wells for heating and cooling, and next generation battery storage to reduce emergency generator needs. The Planning Board supports the category and will determine the final number of points at Site Plan.

Protection and Enhancement of the Natural Environment

Cool Roof: The Applicant requests 5 points for providing a cool roof on areas of the rooftop that do not contain green roof, solar, or mechanical areas. The cool roof area will incorporate a mixture of materials that will collectively meet or exceed a solar reflectance index (SRI) of 75. The Planning Board supports this request at this time.

Vegetated Roof: The Applicant requests 7.5 points for the installation of vegetated roof covering at least 33% of the roof with a minimum depth of 4 inches. The Planning Board is supportive of the category at this time.

7. *The Sketch Plan establishes a feasible and appropriate phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The Project will be built in one phase.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the Master Plan, or other requirements; and

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including testimony, maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of 320210040, received by 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 this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUN 01 2021 (which is the date that this Resolution is mailed to all parties of record); and

* * * * *

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 Cichy, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor of the motion at its regular meeting held on Thursday, May 27, 2021, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board