




Seneca Meadows Corporate Center Ph.3, Site Plan 8200029B

-  Ryan Sigworth AICP, Senior Planner, Upcounty Planning, Ryan.Sigworth@montgomeryplanning.org, 301-495-2112
-  Sandra Pereira RLA, Supervisor, Upcounty Planning, Sandra.Pereira@montgomeryplanning.org, 301-495-2186
-  Patrick Butler, Chief, Upcounty Planning, patrick.butler@montgomeryplanning.org 301-495-4561

Description

Completed: 7/16/2021

Request to increase the allowable square footage of Office in Building #10 by 6,684 sq. ft. from 72,316 sq. ft. to 79,000 sq. ft., and minor modifications to architecture, parking, loading, on-site circulation, landscaping, lighting, and forest conservation.

Location: West side of Observation Drive, approximately 600 feet south of the intersection of Observation Drive and Seneca Meadows Parkway

Size: 6.55 acres

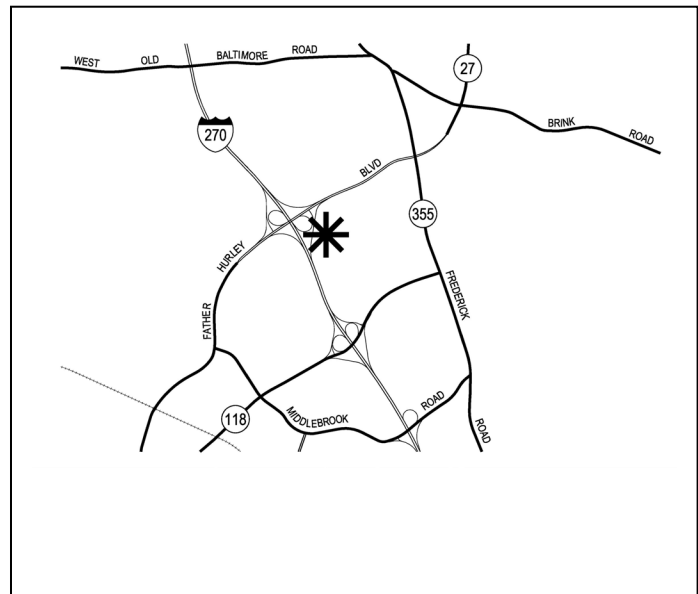
Zone: CR-2.0, C-1.75, R-0.75, H-145T, EOF 0.75, H-100T, and Germantown Transit Mixed Use Overlay zone

Master Plan: 2009 *Germantown Employment Area Sector Plan*

Application accepted: January 7, 2021

Applicant: Minkoff Development Corporation

Review Basis: Chapter 59



Summary

- Staff recommends approval of the site plan with conditions.
- On May 9, 2000, the Planning Board approved a Site Plan to allow the construction of three two-story office buildings totaling 262,726 square feet, with associated Final Forest Conservation Plan.
- This amendment increases the Office use by 6,684 square feet in Building #10.
- Per Section 59-7.7.1.A of the Zoning Ordinance, the site design is eligible to be reviewed under the zone in effect prior to October 29, 2014 which was TMX-2. The Application is further grandfathered and eligible to be reviewed on the zone in effect prior to the adoption of the 2009 *Germantown Sector Plan*, which was I-3, in accordance with Section 59-C-14.26(c) of the Zoning Ordinance that was in effect prior to October 29, 2014. The use and density requirements have been reviewed under the current Zoning Ordinance in accordance with Section 59-7.7.1.

SECTION 1: SITE PLAN AMENDMENT NO. 8200029B, RECOMMENDATIONS AND CONDITIONS

Staff recommends approval of Site Plan Amendment 8200029B for the construction of 79,000 square feet of Office use (increasing the total square footage of the site plan from 262,726 square feet to 269,410 square feet) with associated modifications to architecture, parking, loading, on-site circulation, landscaping, lighting, and forest conservation. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions. All previously approved plans, findings, and conditions of approval remain in full force and effect, except as modified by the following additional conditions:

8. The Site Plan Amendment is limited to a maximum of 79,000 square feet of Office use for Building #10 and a maximum of 269,410 square feet of Office use across Lot 6 and 7.
9. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
10. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan (“FFCP”). Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
11. Prior to the start of any demolition, clearing, grading, or construction for this development Application, the Applicant must complete the Category I Conservation Easement removal process that was approved with FFCP Amendment, Plan No. 82000209A:
 - a. Prior to the start of any demolition, clearing, grading or construction for the development Application, the Applicant must record a new Category I Conservation Easement reflecting the entire easement area excluding the area that is authorized to be removed. The new easement agreement must be approved by the M-NCPPC Office of the General Counsel and must be recorded in the Montgomery County Land Records by deed prior to recordation of the deed of abandonment for the existing conservation easement. The entirety of the existing easement remains in full force and effect until the abandonment document and the revised easement have been approved and recorded in the Montgomery County Land Records. The Book/Page of the new Category I Conservation Easement must be referenced on the Certified FFCP for this Application.
 - b. Prior to the start of any demolition, clearing, grading or construction for the development Application, the Applicant must abandon the entirety of the original Category I Conservation Easement recorded among the County Land Records in Book 13178/ Page 412 and identified on Plat 21564 in a form approved by M-NCPPC. The abandonment document must be recorded in the Montgomery County Land Records by deed. The Book/Page of the abandonment document must be referenced on the Certified FFCP for this Application.
12. Prior to the start of any demolition, clearing, grading or construction for this development Application, the Applicant must install permanent conservation easement signage along the perimeter of the conservation easements as shown on the FFCP, or as directed by the M-NCPPC Forest Conservation Inspection Staff.
13. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved FFCP.

SECTION 2: SITE DESCRIPTION

Site Vicinity

This collection of properties is part of a larger development known as the Seneca Meadows Corporate Center, which consists of twelve lots and six parcels on 156.50 acres located just east of I-270 in the southeast quadrant of the intersection of Ridge Road and I-270.

The original site plan was made of up two properties identified as Parcel G, Lot 6 and 7 in the "Seneca Meadows Corporate Center" subdivision on Plat No. 21564. The property subject to this Site Plan Amendment is identify as Parcel G, Lot 7 ("Subject Property" or "Property") consisting of 6.55 acres in the CR-2.0, C-1.75, R-0.75, H-145T, EOF 0.75, H-100T, and Germantown Transit Mixed Use Overlay zones.

The adjacent land uses consist of other office uses as well as big box retailers such as Wegman's, Best Buy, and Target located to the north at the Seneca Meadows Shopping Center and Milestone Shopping Center. The vicinity also includes some undeveloped property surrounding the Subject Property.

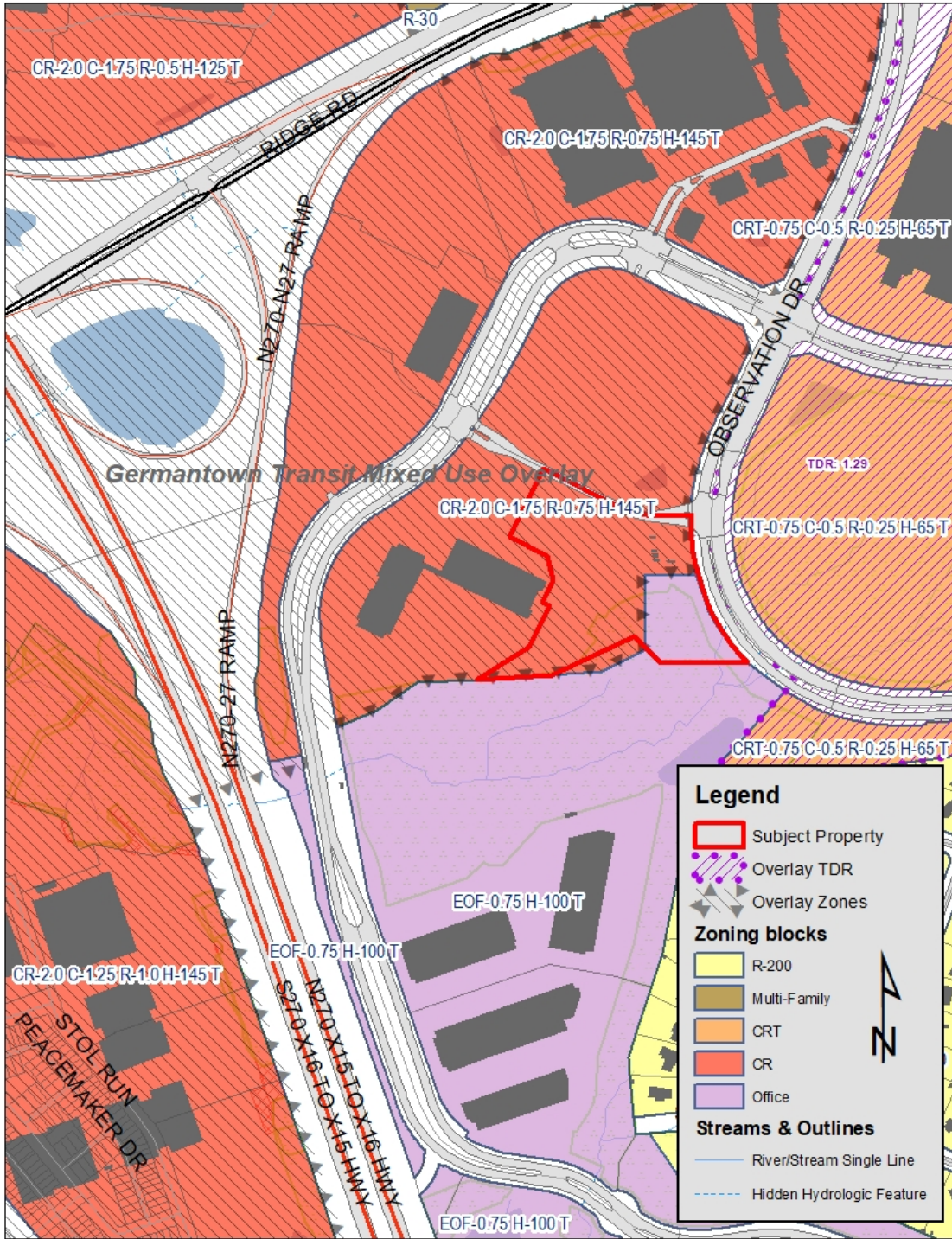


Figure 1 - Vicinity Map with zoning

Site Analysis

The Property is improved with a driveway access from Observation Drive which serves the two existing two-story office buildings associated with Site Plan #820000290 on Lot 6. The Property is located between two public roads: Observation Drive and Seneca Meadows Parkway.



Figure 2 – Aerial View

SECTION 3: PROJECT DESCRIPTION

Previous Approvals

Preliminary Plan No. 119980040

This preliminary plan approved the creation of 13 lots on 156.50 acres in the I-3 zone with up to 1,577,000 square feet of office/R&D space with 83,000 square feet of retail uses in multiple phases.

An initial Preliminary Forest Conservation Plan (“PFCP”) was submitted as part of the Preliminary Plan application, Plan No. 119980040 for the overall Seneca Meadows Corporate Center development. The PFCP was revised as part of the Site Plan No. 819980370 for site wide rough grading purposes and was approved on November 5, 1998. This PFCP set the limits of disturbance (“LOD”), areas of forest clearing and forest retention for the overall Seneca Meadow Corporate Center development. The PFCP established the overall forest conservation requirement of 15.16 acres which has been met with natural regeneration, on-site reforestation and landscape plantings. The Final Forest Conservation Plans (“FFCP”) would be submitted with each individual phase of development of the site.

Site Plan 820000290

This site plan approved construction of three two-story buildings totaling 262,726 square feet of Office on Lot 6 and 7 with associated parking, lighting, and landscaping. The Final Forest Conservation Plan was approved as part of site plan application by the Planning Board on May 9, 2000. This FFCP was in conformance with the overall PFCP showing the proposed construction for Phase 3.

Site Plan 82000029A

This was a minor amendment for Forest Conservation purposes. The Final Forest Conservation Plan was amended and approved on July 26, 2013 for this application in order to remove segments of the existing Category I Conservation Easement for this Phase. The amendment approved the removal of a 5-foot wide by 616-foot long strip of Category I Conservation Easement along the southern length of the parking lot for Lot 6 totaling approximately 3,081 square feet. The amendment also proposed to remove an 1,800 square foot portion of Category I Conservation Easement adjacent to the drive isle for the proposed Building 10. This amendment resulted in the removal of approximately 4,881 square feet of Category I Conservation Easement.

Proposal

The Application proposes to amend the existing site plan to increase the allowable square footage of Building #10 from 72,316 square feet to 79,000 square feet (“Site Plan Amendment” or “Application”) including minor modification to on-site circulation, parking, loading, landscaping, lighting, architecture, and forest conservation. This is a 6,684 square foot increase of the previously approved Office use. To achieve this increase in square footage, the building footprint will be expanded slightly from the approved 36,000 square feet to 39,500 square feet to better address market demands. The proposed building will remain at two-stories in height. This amendment brings the total square feet approved under Site Plan No. 820000290 from 262,726 square feet to 269,410 square feet covering both Lot 6 and Lot 7.

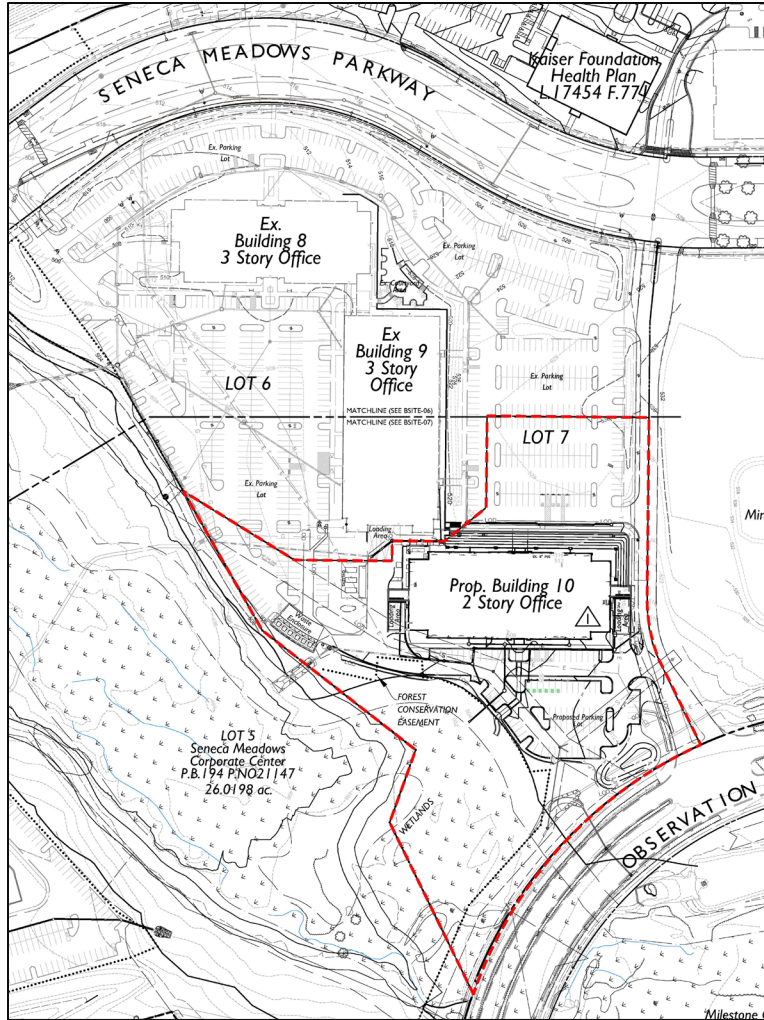


Figure 3 – Site Plan No. 82000029B

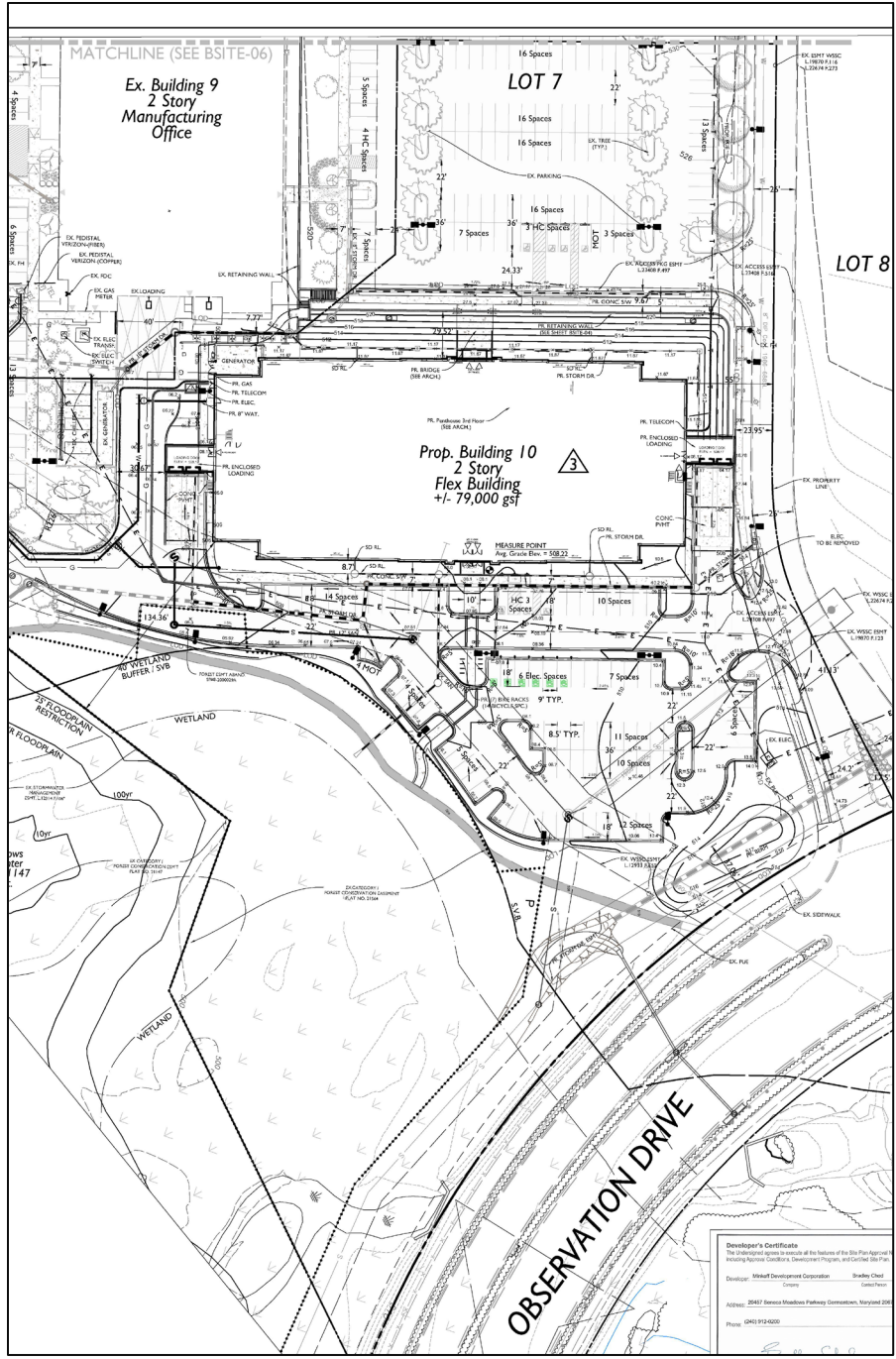


Figure 4 – Site Plan No. 82000029B

SECTION 4: SITE PLAN ANALYSIS AND FINDINGS

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.

This finding does not apply because the Subject Property is not subject to a development plan or diagrammatic plan.

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;*

a. Use Standards

Under Section 59-7.7.1.A of the current Zoning Ordinance, new uses proposed by an amendment must meet the use standards and density of the current zoning ordinance (CR-2.0, C-1.75, R-0.75, H-145T) while the site design is reviewed under the previous I-3 zone. Office, under the use standards in Section 3.5.8.A of the Zoning Ordinance is a permitted use in the CR zone.

b. Development Standards

Section 7.7.1.B.3:

Amendment of an Approved Plan or Modification of an Application Pending before October 30, 2014

- a. Until October 30, 2039, an applicant may apply to amend any previously approved plan or modify an application pending before October 30, 2014 (listed in Section 7.7.1.B.1 or Section 7.7.1.B.2) under the development standards and procedures of the property's zoning on October 29, 2014, if the amendment:
 - i. does not increase the approved density or building height, unless allowed under Section 7.7.1.C; and
 - ii. either:
 - (a) retains at least the approved setback from property in a Residential Detached zone that is vacant or improved with a Single-Unit Living use; or
 - (b) satisfies the setback required by its zoning on the date the amendment or the permit is submitted; and
 - iii. does not increase the tract area.

This Application qualifies to be reviewed under the zone in effect on October 29, 2014. On October 29, 2014, the Subject Property was zoned TMX-2. Under the zoning ordinance in effect on October 29, 2014, TMX-2 zone has a further grandfathering under Section 59-C-14.26(c) which states:

“Development under a preliminary plan or site plan approved before adoption of the applicable Sectional Map Amendment remains valid, and construction may proceed subject to applicable approvals under the standards of the previous zone. A preliminary plan or site plan approved before adoption of the applicable Sectional Map Amendment may, at the option of the applicant, be amended after the adoption of the applicable Sectional Map Amendment under the standards of the previous zone or under the TMX zone standards. However, any enlargement of a proposed building that is more than 10 percent of the approved gross floor area or 7,500 square feet of construction, whichever is less, must comply with the standards of the TMX Zone.”

Since the Application is less than 10 percent or the approved gross floor area, or 7,500 square feet or less, it qualifies to be reviewed under the zone in effect prior to 2009 *Germantown Sector Plan* which was the I-3 zone. The Application continues to satisfy all applicable development standards as shown in the following data table:

Table 1 – Development Data Table

Site Plan Data Table							
Seneca Meadows Corporate Center - Phase III							
Site Plan Zoning: I-3, Sec.59-C-5 Industrial Zone							
Lot 6 - Building 8 & 9			Approved Amendment A Site Plan #82000029A		Proposed Amended B Site Plan #82000029B		
Overall Project Site Area (Established by Plat No. 21564)							
			Acreage	Square Footage	Acreage	Square Footage	
	Lot 6		10.08 ac.	439,036 sf	10.08 ac.	439,036 sf	
	Lot 7		6.74 ac.	293,594 sf	6.55 ac.	285,450 sf	
	Parcel G		1.36 ac.	59,436 sf	1.36 ac.	59,436 sf	
		Net Tract Area	18.18 ac.	792,066 sf	18.00 ac.	783,922 sf	
	59-C-5.321	Allowable Density	0.5 FAR		0.34 FAR		
	Lot 6		0.43 FAR		0.43 FAR		
	Lot 7		1.19 FAR		1.24 FAR		
Approved Building Floor Area							
			Approved Amendment A		Approved Amendment B		
	Building 8	Office	105,102 sf		105,102 sf		
	Building 9	Office	85,308 sf		85,308 sf		
	Building 10	Office	72,316 sf		79,000 sf		
		Approved Total Building Floor Area	262,726 sf		269,410 sf		
59 C-5.31 - Building Height							
			Required / Permitted	Approved Amendment A	Approved Amendment B		
	Building 8	I-3	100 FT	45 FT	45 FT		
	Building 9	I-3	100 FT	45 FT	45 FT		
	Building 10	I-3	100 FT	45 FT	45 FT		
59 C-5.32 - Coverage Limitation							
	Minimum Green Area	(Percent of gross tract)	Required / Permitted	Approved Amendment A		Approved Amendment B	
	Lot 6	35%	153,663 SF	65,855 SF	15.0% **	121,048 SF	28%
	Lot 7	35%	99,908 SF	133,585 SF	45.5% **	124,555 SF	44%
	Parcel G	35%	20,803 SF	59,436 SF	100%	59,436 SF	100%
				Total		305,039 SF	39%
** This standard is being reviewed comprehensively over the entire Seneca Meadows Corporate Center development.							
	Off-street Parking	(Maximum)					
	Lot 6 & 7		45%		41%		43%

Data Table, continued

59 C-5.34 - Setbacks I-3

Building Setbacks		<u>Required / Permitted</u>	<u>Approved Amendment A</u>	<u>Approved Amendment B</u>
Lot 6 & 7	Abutting I-3 Zone	20'	50'	50'
	Arterial Road	25'	250'	250'
	Local Street	25'	140'	140'
Parking, Loading, & Maneuvering				
Lot 6 & 7	Abutting I-3 Zone	20'	0*	0*
	Arterial Road	35'	45'	45'
	Local Street	35'	40'	37'

* Pursuant to Section 59-C-5.34 of the Zoning Ordinance, the Planning Board may approve a reduced side yard setback at the time of site plan if it is demonstrated that the reduced setback is compatible with existing and proposed development
 -If proposed building is more than 40 feet in height then 1 foot of additional building setback for each 2 feet of height.

NOTE

* Green Area, per Lot is less than percentage required. Total Green area provided is 71%

Internal Green (Parking Lot)

Green Area	<u>Required / Permitted</u>	<u>Approved Amendment A</u>	<u>Approved Amendment B</u>
Lot 6	5%	11%	11%
Lot 7	5%	11%	11%

59 C-5.433 - Street frontage and access

Public / Private Street Frontage	<u>Required / Permitted</u>	<u>Approved Amendment A</u>	<u>Approved Amendment B</u>
Lot 6	150' min,	150' min,	150' min,
Lot 7	150' min,	150' min,	150' min,

Data Table, Continued

Parking Requirements			
Non-Residential Base Parking Requirement			
Lot 6			
Office (R&D)	rate	square footage	spaces required
Building 8	2.9 sp / 1,000 sf	105,102	305
Building 9		85,308	247
Building 10		79,000	229
Non-Residential Parking Sub-Total (before allowable credits)		269,410	782
Total Parking Required <i>(before allowable credits)</i>			782
Parking Provided Summary			
Standard Spaces			
Lot 6			639 sp
Lot 7			206 sp
		required	provided
ADA Standard Spaces			
Lot 6		9 sp	7 sp
Lot 7		5 sp	5 sp
ADA Van Spaces			
Lot 6		4 sp	7 sp
Lot 7		2 sp	2 sp
Electric Vehicle Spaces (Section 59-E-2.24)			
Lot 7		3 sp	6 sp
Parking Provided Summary			872
<i>Parking Differential</i>			90
Motorcycle Spaces (Section 59-E-2.3.D)			
Lot 6		10 sp	6 sp
Lot 7		4 sp	8 sp
Motorcycle Spaces (Section 59-E-2.3.D)			14
<i>Parking Differential</i>			<i>(0)</i>
Bicycle Spaces (Section 59-E-2.3.A)			
Lot 6			6 sp
Lot 7		20 sp	14 sp
Bicycle Spaces (Section 59-E-2.3.A)			20
<i>Parking Differential</i>			0

3. *the locations of building and structure, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient;*

While the footprint is expanding slightly, the location of the approved building does not change, and the Applicant has improved the small parking lot at the entrance of Observation Drive, by adding additional landscaping and trees for shading. The changes to the structure, open spaces, landscaping, and pedestrian and vehicular circulations systems are minor and do not substantially change the previous determination of being 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; and*

With the exception of a modest increase in the building footprint, the location and height of the proposed building remains unchanged from the previously approved site plan. Therefore, this portion of the finding remains valid. The proposed use is compatible with other site plans as well as with existing and proposed adjacent development.

5. *the site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable laws.*

Forest Conservation

The Application satisfies all of the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines.

The FFCP submitted for this Application conforms to the requirements established by the overall PFCP under Site Plan No. 819980040 and meets the requirements of Chapter 22A, Montgomery County Forest Conservation Law. This Application does not alter any of the existing forest conservation requirements for the overall Seneca Meadows Corporate Center site established under the rough grading PFCP, Site Plan No. 819980040 and Phase 3 FFCP, Site Plan No. 820000290. All forest conservation requirements have been previously met and the current Applicant has no Forest Conservation requirements to address. The purpose of the FFCP associated with this Site Plan Amendment is to meet the requirements of Forest Conservation Regulations, Section 22A.00.01.09.B by showing all proposed construction within the LOD for the Application.

CONCLUSION

The Site Plan Amendment complies with the general requirements and findings of the Zoning Ordinance, Forest Conservation Law, Montgomery County Code, Chapter 22A and is in compliance with the Montgomery County Planning Department's Environmental Guidelines. Therefore, Staff recommends approval of Site Plan No. 82000029B including Final Forest Conservation Plan Amendment with the conditions specified at the beginning of this report.

ATTACHMENTS

- Attachment 1 – Statement of Justification
- Attachment 2 – Site Plan, Sheet 2
- Attachment 3 – Site Plan, Sheet 3
- Attachment 4 – Site Plan, Sheet 4
- Attachment 5 – Forest Conservation Plan, Sheet 2
- Attachment 6 – Architectural Elevations
- Attachment 7 - Planning Board Opinion Site Plan #820000290
- Attachment 8 - Director Level Approval, Site Plan #82000029A

**STATEMENT OF JUSTIFICATION
SENECA MEADOWS CORPORATE CENTER – PHASE 3
SITE PLAN AMENDMENT #82000029B**

I. INTRODUCTION

On behalf of Minkoff Development Corporation (“MDC” or “Applicant”), we are submitting this application to amend the previously approved Site Plan (No. 82000029B) (the “Amendment” or “Application”) for consideration by the Montgomery County Planning Board (the “Planning Board”). This Amendment is limited in scope and relates only to Building 10 – as Buildings 8 and 9 have been constructed and are currently occupied. Through this Amendment, the Applicant proposes certain modifications to the building footprint and architecture, along with associated site modifications, which are intended to modernize the building to meet current tenant and market demands (the “Project”).

II. PROPERTY BACKGROUND

A. Site Location and Characteristics

The Property is part of a larger development known as the Seneca Meadows Corporate Center, which consists of 12 Lots and six (6) Parcels on 156.50 acres of land located just east of Interstate 270, in the southeast quadrant of the intersection of Ridge Road and I-270 in Germantown, Maryland (the “Overall Property”). The Overall Property currently is developed with a mix of office, R&D, and commercial/retail/restaurant uses (including a Wegmans store).

The Site Plan property consists of approximately 783,922 square feet (or 18 acres) lot area and is more particularly known as Parcel G, Lots 6 and 7 in the “Seneca Meadows Corporate Center” subdivision, as recorded among the Land Records at Plat No. 21564 (the “Property”). Lot 7, which is the subject of this Amendment, consists of 285,450 square feet (or 6.55 acres) net lot area.

B. Zoning and Permitted Uses

The Property currently is zoned CR-2.0, C-1.75, R-0.75, H 145T, except for a small portion along Observation Drive that is zoned EOF 0.75, H-100T.¹ The CR portion of the Property also falls within the Germantown Transit Mixed Use Overlay zone. The Property was approved in 2000 and thereafter, substantially developed under the prior I-3 Zone.

¹ The EOF Zoning on the Property appears to have been a mapping error. The Sector Plan and subsequent Sectional Map Amendment G-887 recommended rezoning the “Seneca Meadows” property from I-3 to TMX-2. Map 25 on page 69 clearly intends to treat this entire property as one – the Property is labeled as Property No. 1 “Seneca Meadows Property (North of Crystal Rock Tributary)”. However, the Sector Plan map appears to reflect an incorrect boundary for the Property, which was then carried forward in the rezoning by the Sectional Map Amendment. In any case, the EOF zoning designation for this small portion of the Property has no impact on this Application.

Section 7.7.1.B.3 of the Montgomery County Zoning Ordinance (the “Zoning Ordinance”) permits projects that were previously approved under the prior Zoning Ordinance to continue pursuing development approvals under the development standards of the zoning in effect on October 29, 2014 and the 2004 Zoning Ordinance. The Property was zoned TMX-2 on October 29, 2014. The TMX-2 Zone provided for limited grandfathered expansion rights – specifically, Section 59-C-14.26(c) of the 2004 Zoning Ordinance allows a site plan approved before adoption of the applicable Sectional Map Amendment to be amended under the standards of the previous zone (here, the I-3 zone) as long as any enlargement of a proposed building does not exceed more than 10 percent of the approved gross floor area or 7,500 square feet of construction, whichever is less. Building 10 is currently approved for 72,316 square feet. The Applicant is proposing to expand Building 10 by 6,684 square feet, which is less than 10 percent of the approved gross floor area (whether measured from Building 10 or the overall Site Plan area) and less than 7,500 square feet. As such, the Project can be grandfathered back to the I-3 Zone.² The Applicant is electing to proceed with this Site Plan Amendment under the standards and procedures of the I-3 Zone, under which the Project was approved and substantially developed.

Pursuant to the 2004 Zoning Ordinance, Office/R&D is a permitted use in the I-3 Zone (as well as the current CR Zone, pursuant to Section 3.1.6 of the Zoning Ordinance). As discussed in this Statement, the Project satisfies the various requirements of the I-3 Zone and substantially conforms to the recommendations of the *2009 Approved and Adopted Germantown Employment Area Sector Plan* (the “Sector Plan”).

C. Existing Conditions

Lot 6 is currently improved with two office buildings (Buildings 8 & 9) and associated surface parking, which were developed under the standards of the I-3 Zone. Lot 7 contains an existing, graded building pad, associated surface parking, paved access drive, and associated site infrastructure (*e.g.* parking lot lighting for the portion of the surface parking lot not currently paved, utility connections, and stormwater management) for Building 10. Given the extent of the existing site infrastructure already in-place for Building 10, this Amendment does not propose changes to the placement or orientation of the building and surface parking. However, as discussed below, the Applicant has, in coordination with Park and Planning Staff, increased the landscape screening along Observation Drive to effectively screen the approved, surface parking from view of the street.³

² The Project will increase the square footage attributed to Building 10 by approximately 6,684 square feet. The Project will not increase the overall square footage approved for the Overall Property through the Preliminary Plan. The Preliminary Plan approved up to 1,319,700 square feet of office/R&D use of which 504,198 square feet is remaining/un-built. As such, this Amendment merely seeks to shift around some of the previously approved density.

³ This landscaping was originally required to meet the intent and purpose of the current CR Zone, under which a prior iteration of the amendment was being reviewed. The Applicant has since modified the plans to eliminate a partial third story, which allows the Amendment to grandfather back to the standards of the I-3 Zone. Although this enhanced screening is not required to meet the intent or purposes of the I-3 Zone, the Applicant has agreed to retain this modification.

III. PRIOR APPROVALS

On December 18, 1997 the Planning Board approved Preliminary Plan No. 119980040 for the creation of 13 lots on 156.50 acres of land to allow for the overall development of up to 1,577,000 square feet of office/R&D space and 83,000 square feet of retail use on the Overall Property (the “Seneca Meadows Corporate Center”). The Planning Board subsequently approved a Preliminary Plan Amendment on July 27, 1998 for the abandonment and re-dedication of certain right of way. Preliminary Plan Amendment No. 11998004A was approved by the Planning Board on November 4, 2010 for the consolidation and reconfiguration of certain lots within the Overall Property, and the reallocation of density to facilitate additional retail development (*i.e.* reduction of the approved but unbuilt office by 257,300 square feet and addition of 123,570 square feet of retail use) – In total, the Preliminary Plan Amendment approved up to 1,319,700 square feet of R&D/office use and 206,570 square feet of retail use.

The Planning Board has approved numerous Site Plans for the Overall Property. Relevant to this Application, the Planning Board approved Site Plan No. 820000290 on May 4, 2000 for 262,726 gross square feet of office/manufacturing space on Lots 6 and 7 (known as “Seneca Orbital”) (the “Site Plan”). Specifically, the Site Plan consists of three buildings located on two separate lots. Buildings 8 and 9 are located on Lot 6 and consist of 105,102 gross square feet and 85,308 gross square feet of office/manufacturing space, respectively. Building 10 is located on Lot 7 and is currently approved for up to 72,316 gross square feet of office/manufacturing space. The Planning Board’s Resolution incorrectly lists an overall approval of 250,410 square feet; however, the Certified Site Plan correctly shows a combined gross building floor area of 262,726 square feet (*i.e.* 105,102 square feet for Building 8, 85,308 square feet for Building 9 and 72,316 square feet for Building 10). The 250,410 square feet appears to have been based on an incorrect square footage for Building 10 of 60,000 square feet. The Certified Site Plan and constructed building pad correctly reflect a two-story building with an approximate building footprint of 36,000 square foot (*i.e.* total of 72,316 square feet). On August 7, 2013, an Administrative Site Plan Amendment was approved to reflect certain as-built conditions related to the surface parking and natural trail, and their associated impacts on the Forest Conservation Easement area.

IV. AMENDMENT SUMMARY

To respond to current market demands, the Applicant is proposing to modestly increase the density of the approved, but unbuilt, office/R&D building on the Property. Specifically, this Amendment proposes a small expansion of the building footprint, increasing the overall square footage of Building 10 to 79,000 square feet (as compared to 72,316 square feet previously approved). To accommodate this change, the Amendment also includes minor, associated site modifications to the parking, loading, on-site circulation, landscape and lighting (collectively, the “Amendment”). The modifications proposed by this Amendment are described in greater detail below.

A. Architectural Modifications

The Applicant is proposing to modestly increase the size of Building 10, which is necessary to attract and retain quality office/R&D tenants. Specifically, the building footprint will be expanded from approximately 36,000 square feet to 39,500 square feet, in order to provide an office floor plate that better reflects current market demands. This will result in an increase of the overall gross square footage from 72,316 square feet to 79,000 square feet. The approved building height will remain unchanged (well within the height allowed by the I-3 and current CR zones). Importantly, although the Project will increase the square footage attributed to Building 10, it will not increase the overall square footage approved for the Overall Property – The Preliminary Plan approved up to 1,319,700 square feet of office/R&D use of which 504,198 square feet is remaining/un-built.

B. Loading, Service and Parking

Minimal changes are proposed to the on-site parking and circulation, in order to accommodate the slightly expanded building footprint and to provide two at-grade points of access to Building 10. Additionally, based on conversations with Park and Planning Staff, the Applicant has eliminated 8 parking spaces along Observation Drive to accommodate enhanced landscaping along this frontage, which will effectively screen the parking from view of the street. In total, this Amendment will result in a significant decrease in the number of parking spaces provided (*i.e.* 872 parking spaces proposed for Lot 6 & 7 combined, as compared 948 parking spaces previously approved). However, more than adequate parking will continue to be provided on-site, in accordance with the 2004 Zoning Ordinance. Specifically, the 2004 Zoning Ordinance requires a minimum of 2.9 parking spaces per 1,000 square feet of gross floor area for office use. As such, based on the proposed building area of 269,410 square feet, a minimum of 782 parking spaces are required for Buildings 8, 9 & 10.

Section 59-E-2.3 of the Zoning Ordinance requires one bicycle parking space or locker for each 20 automobile parking spaces, up to a maximum of 20 bicycle parking spaces. In accordance with this requirement, Building 10 will provide a total of 14 bicycle parking spaces in front of the building, through inverted u racks.

To accommodate necessary loading and serving for the building and its tenants, the Project includes two loading docks. In connection with the approved Site Plan, the loading was located along the rear (or eastern facing) façade of the building. The Applicant is proposing to relocate the loading spaces to the sides of the building, to avoid potential conflicts with the pedestrians and vehicles in the parking area, and to improve the appearance of this façade (so that it does not visually read as a “rear”). The proposed loading docks will be enclosed and will each provide two WB-50 loading berths.

C. Landscape and Lighting

This Amendment proposes limited modifications to the approved landscaping and lighting. The Amendment seeks to promote a cohesive design for the entire Property. As such, the proposed

landscaping will draw from the approved plant palette and retain the same general design, but will be modified to reflect the new building and site layout. One notable change is the additional landscaping proposed along Observation Drive that, in combination with the approved berm, will largely screen the parking from view of the street.

As mentioned above, much of the infrastructure already is in place for Building 10 (including the site lighting). As such, and to ensure conformance with the existing development on Lot 6, this Amendment retains the approved light fixtures. However, certain light poles will need to be relocated to accommodate the changes in site design and parking layout.

V. MASTER PLAN CONFORMANCE

The Property is subject to the Approved and Adopted Germantown Employment Area Sector Plan. Although the Site Plan was approved prior to the adoption of the Sector Plan, the Project nonetheless promotes the overall goals and objectives of the Plan. The Sector Plan is broken down into several districts, each with their own unique identity. The Property falls within the Seneca Meadows/Milestone District (the “District”) of the Sector Plan. The Sector Plan recommends the Property for “Employment, mixed-use” but limits the amount of retail and restaurant uses within the District to ensure that the area “retains an employment profile.” The Amendment retains the approved office/R&D use for the Property, which is fully consistent with the existing and recommended employment character of the area. The Project also promotes a mix of uses within the District, given the Property’s proximity to other residential and retail/service uses.

VI. ZONING ORDINANCE CONFORMANCE

Pursuant to Section 7.7.1.B.3 of the New Zoning Ordinance and Section 59-C-14.26 of the 2004 Zoning Ordinance, the Applicant is seeking to amend the previously approved Site Plan under the development standards and procedures of the Property's prior I-3 zone. The Amendment does not abut property in a Residential Detached zone and does not increase the Tract area. While the Amendment does increase the density, as reflected on the Site Plan, the Amendment does not exceed the density approved for the Overall Property under the Preliminary Plan. As such, this Amendment does not result in an “expansion of floor area.” Regardless, the proposed, additional square footage also would be allowed based on the limited expansion rights permitted in the CR Zone, pursuant to Section 7.7.1.C, and the TMX-2 Zone, pursuant to Section 59-C-14.26. Specifically, Section 7.7.1.C.2 allows for an expansion of an existing approval by up to 10% of the gross floor area approved for the site on October 30, 2014 or 30,000 square feet, whichever is less. The Overall Property is approved for up to 262,726 square feet. Therefore, Section 7.7.1.C allows for an expansion by up to 26,272 square feet. The Amendment is well within this allowance. Additionally, in conformance with Section 7.7.1.C.1, the “expansion” will not exceed the density or height limits of the Property’s current zoning (*i.e.* 1.75 commercial FAR and 145’) and will comply with the allowed/required height, density, and development standards of the I-3 zone, as demonstrated on the Site Plan submitted concurrently with this Statement. Although the Property was zoned TMX-2 on October 29, 2014, Section 59-C-14.26(c) of the TMX-2 zone also

provided for limited grandfathered expansion rights (*i.e.* up to 10 percent of the approved gross floor area or 7,500 square feet, whichever is less). This Amendment proposes to increase the square footage of Building 10 by 6,684 square feet (*i.e.* 79,000 square feet proposed, as compared to 72,316 square feet approved). Accordingly, as previously mentioned, this Amendment is being submitted under the standards and procedures of the Property's prior I-3 Zone.

VII. FINDINGS REQUIRED TO APPROVE SITE PLAN

Section 59-D-3.4 establishes the findings required for approval of a site plan application. As set forth below, the Amendment satisfies each of these requirements:

- 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.*

This provision is not applicable.

- 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.*

As discussed above, the Project does not result in an expansion of the overall square footage approved under the Preliminary Plan for the Overall Property. Further, as illustrated on the Site Plan submitted with this Amendment, the proposed Project continues to satisfy all requirements of the prior I-3 zone, under which the Project is grandfathered. This Property is not located within an urban renewal area.

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

While the Amendment proposes a modest expansion of the building footprint, Building 10 will remain in the same location on-site, as previously approved. There is an existing, graded building pad on-site, which will be expanded slightly to accommodate the modest increase to the approved building footprint. There are several existing utilities and easements within the portion of the site fronting on Observation Drive (between the existing building pad and the street) – these utilities and easements, which serve both the Property and surrounding sites, preclude development on this portion of the Property.

As described in this Statement, the Amendment seeks to preserve the previous landscape and lighting design to the extent practicable and proposes only minor modifications to accommodate the new building footprint and parking layout. One notable exception is the additional landscaping proposed along Observation Drive that, in combination with the berm, will

enhance the pedestrian environment and effectively screen the parking from view of the street. The proposed loading, which has been relocated to the sides of the building, will improve pedestrian and vehicular circulation along the “rear” of the building. As such, the Project will continue to provide safe, adequate and efficient vehicular and pedestrian circulation.

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

The Project is physically compatible with, and not detrimental to, existing and future development surrounding the Property. The Project does not propose any changes to the approved office/R&D use. Rather, the Amendment will contribute to the further activation of this office park by facilitating the much-anticipated development of Building 10. The proposed office/R&D use is entirely consistent with the Sector Plan’s goal of maintaining the “employment character” of the area and will support the other nearby retail and residential uses.

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.*

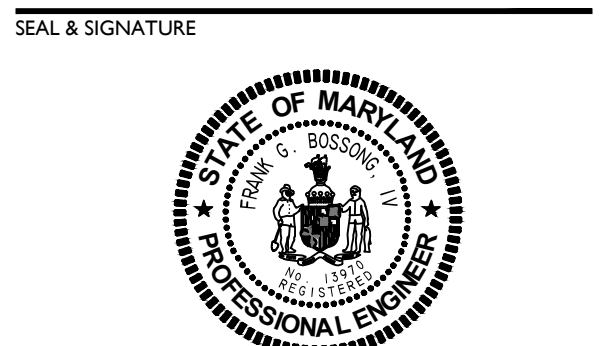
The Project is subject to the Forest Conservation Ordinance. A Forest Conservation Plan was approved for the Property on July 17, 2013. The Amendment does not propose any substantive revisions to the underlying Forest Conservation Plan approval. This Amendment merely seeks to provide an additional connection to the existing, asphalt trail within the forested area on-site, which is fully consistent with the existing Forest Conservation Plan. At the request of Staff, the Applicant is submitting the approved Forest Conservation Plan (which has been modified only to reflect this small trail connection) concurrently with this Statement. Additionally, the prior release of Forest Conservation Easement, approved in connection with Preliminary Plan and Forest Conservation Plan No. 11998004B, was never fully effectuated. As such, this Amendment seeks to reconfirm the prior release of Forest Conservation Easement and to amend Condition No. 1 (Resolution No. 11-89) to allow for the recordation of a Deed of Release in the Land Records of Montgomery County, Maryland (instead of requiring the submission of a new record plat).

The Project will comply with the requirements of Chapter 19 of the Montgomery County Code, as the Project is subject to an approved Stormwater Management Plan. The approved Stormwater infrastructure has already been implemented to meet the water quality treatment and water quantity control needs for the development. This includes two structural water quality structures, environmental stream valley and the forested area at existing Pond 4. At the request of Staff, a stormwater management concept plan application has been submitted to MCDPS for review and approval was granted April 1, 2021. The existing easements on-site and the previously constructed site infrastructure, together, encumber the Property and preclude the Applicant from providing additional stormwater management facilities. Additionally, the building construction type and significant amount of rooftop equipment needed for the proposed R&D use, precludes the Applicant from providing a green roof.

The Property is not in a Special Protection Area, so no separate water quality monitoring plan is required. A Sediment and Erosion Control Plan will be submitted to DPS for its approval prior to commencement of construction.

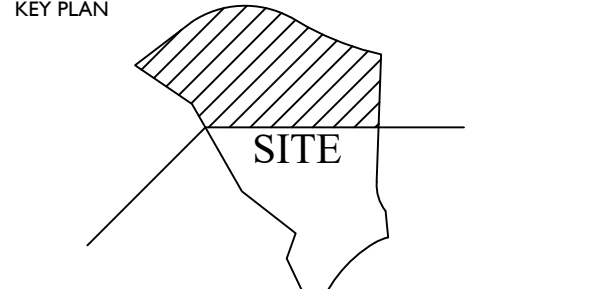
VIII. CONCLUSION

The Amendment will result in the completion of this Project and construction of the long-anticipated third building on the Property. The proposed modifications will not significantly alter the character or intent of the underlying approval. Rather, the proposed Amendment is necessary to help attract and retain quality office/R&D tenants, and therefore, will contribute to the success of the proposed Project. Importantly, the Applicant and Technical Staff are embracing the County's emphasis on "speed to market" and are accommodating the approval of this Amendment in the most expeditious manner. For all of the reasons discussed above, the Applicant respectfully requests approval of this Site Plan Amendment.



PROFESSIONAL CERTIFICATION
 I hereby certify that these documents were prepared or approved by me and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 17104 F.381, Expiration Date: 01/01/22

SENECA MEADOWS CORPORATE CENTER PHASE III
Site Plan Amendment B
#82000029B
 WSSC Grid: 229NW12, Tax Map: HN23
 Montgomery County, Maryland, Germantown Election District No. 2



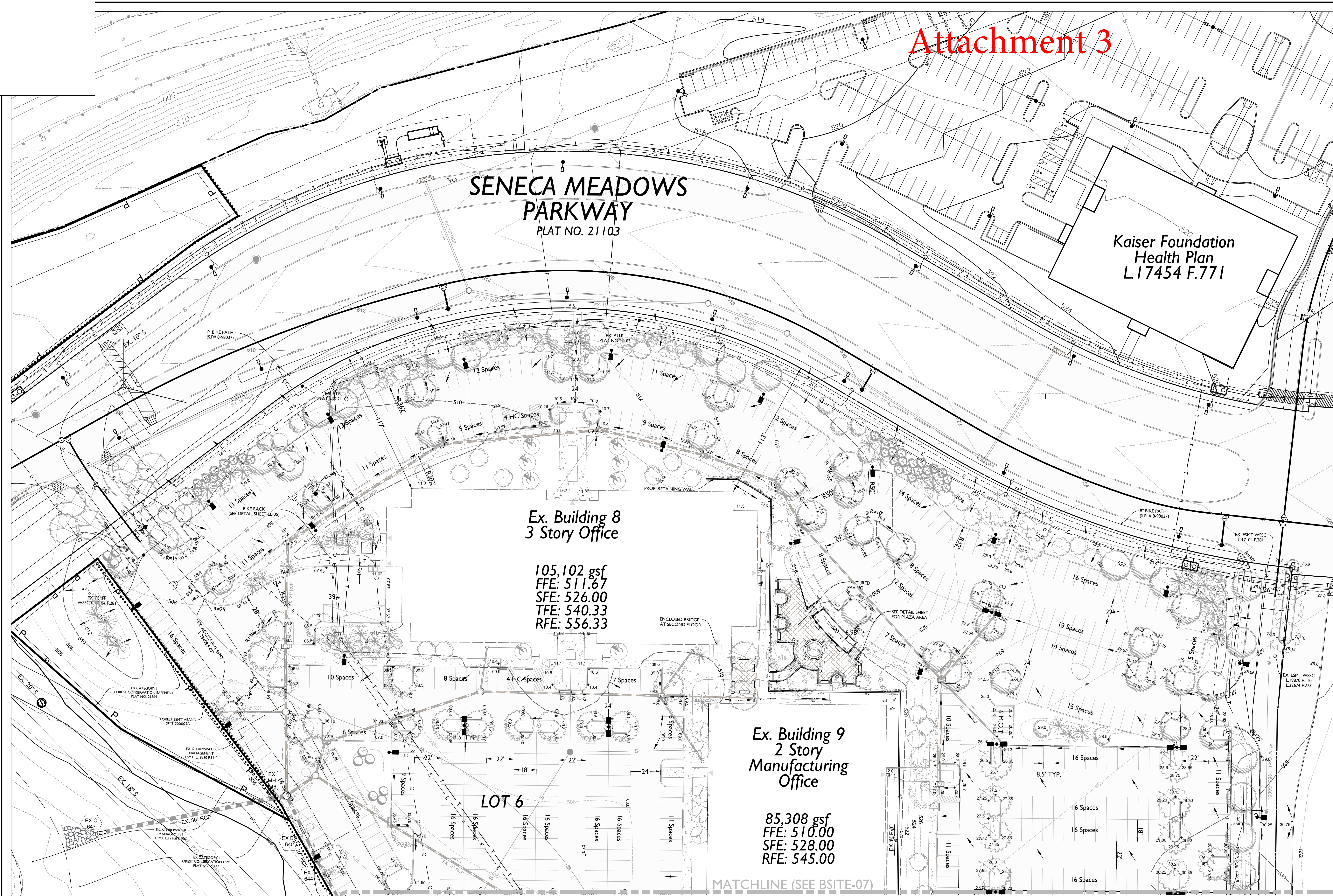
DATE	DESCRIPTION
2020.11.18	M-N-C-P-C - Initial Submission
2020.12.16	M-N-C-P-C - Initial Submission
2021.03.04	M-N-C-P-C - Cycle 1 Submission
2021.03.12	M-N-C-P-C - Cycle 2 Submission
2021.05.25	M-N-C-P-C - Cycle 3 Submission

REVISIONS NO.	DATE	DESCRIPTION
4		

Developer's Certificate
 The Undersigned agrees to include all the features of the Site Plan Approval No. 82000029B including Approval Conditions, Development Program, and Certified Site Plan.

Developer: Minkoff Development Corporation
 Gerantown, Maryland
 Address: 20457 Seneca Meadows Parkway, Germantown, Maryland 20876
 Phone: (240) 912-0200
 Signature: *Bradley Chod*

PROJECT NUMBER: 0680A191
 DATE: 2021.05.25
 SCALE: 1" = 30'
 DRAWING TITLE: Site Plan
SITE-06



SENECA MEADOWS PARKWAY
 PLAT NO. 21103

Kaiser Foundation Health Plan
 L.17454 F.771

Ex. Building 8
 3 Story Office

105,102 gsf
 FFE: 511.67
 SFE: 526.00
 TFE: 540.33
 RFE: 556.33

Ex. Building 9
 2 Story Manufacturing Office

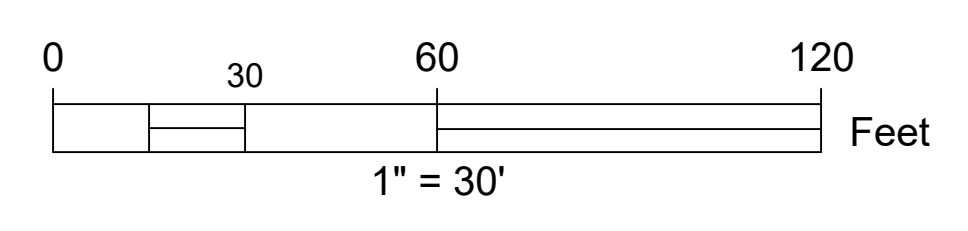
85,308 gsf
 FFE: 510.00
 SFE: 528.00
 RFE: 545.00

LOT 6

MATCHLINE (SEE BSITE-07)

LIST OF AMENDMENT ITEMS:

- NEW SHEET ADDED FOR SITE PLAN AMENDMENT.
- UPDATED GREEN AREA CALCULATIONS.
- RE-DESIGN AND RE-DEFINED BUILDING 10 & SURROUNDING LAYOUT, ON LOT 7.
- NO SHEET CHANGES.
- REVISED / UPDATED LANDSCAPE LAYOUT AND PLANT SCHEDULE TO INCORPORATE NEW PLANT MATERIAL AROUND BUILDING 10.
- REVISED FOREST CONSERVATION PLANS FOR AMENDMENT. (BFCP & RFCP 01-04).
- REVISED DATA TABLE TO REFLECT SITE PLAN AMENDMENT.



Site Plan
 SCALE: 1" = 30'

LOT 5
 Seneca Meadows Corporate Center
 P.B. 194 P.N021147
 26.0198 ac.

Developer's Certificate
 The Undersigned agrees to include all the features of the Site Plan Approval No. 82000029B including Approval Conditions, Development Program, and Certified Site Plan.

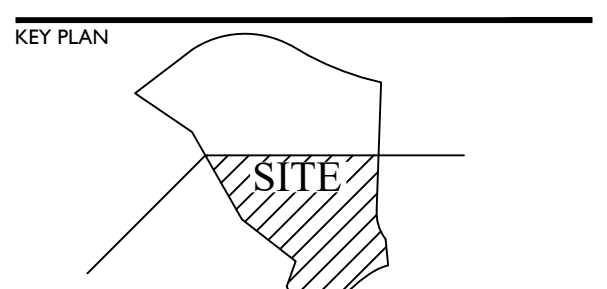
Developer: Minkoff Development Corporation
 Gerantown, Maryland
 Address: 20457 Seneca Meadows Parkway, Germantown, Maryland 20876
 Phone: (240) 912-0200
 Signature: *Bradley Chod*

Preliminary Not For Construction



PROFESSIONAL CERTIFICATION
 I hereby certify that these documents were prepared by me and that I am a licensed professional landscape architect under the laws of the State of Maryland. License No. 12123, Expiration Date: 2/28/2022.

SENECA MEADOWS CORPORATE CENTER PHASE III
 Final Forest Conservation Plan Amendment
#82000029B
 WSSC Grid: 22.9NW12, Tax Map: HN23
 Montgomery County, Maryland, Germantown Election District No. 2

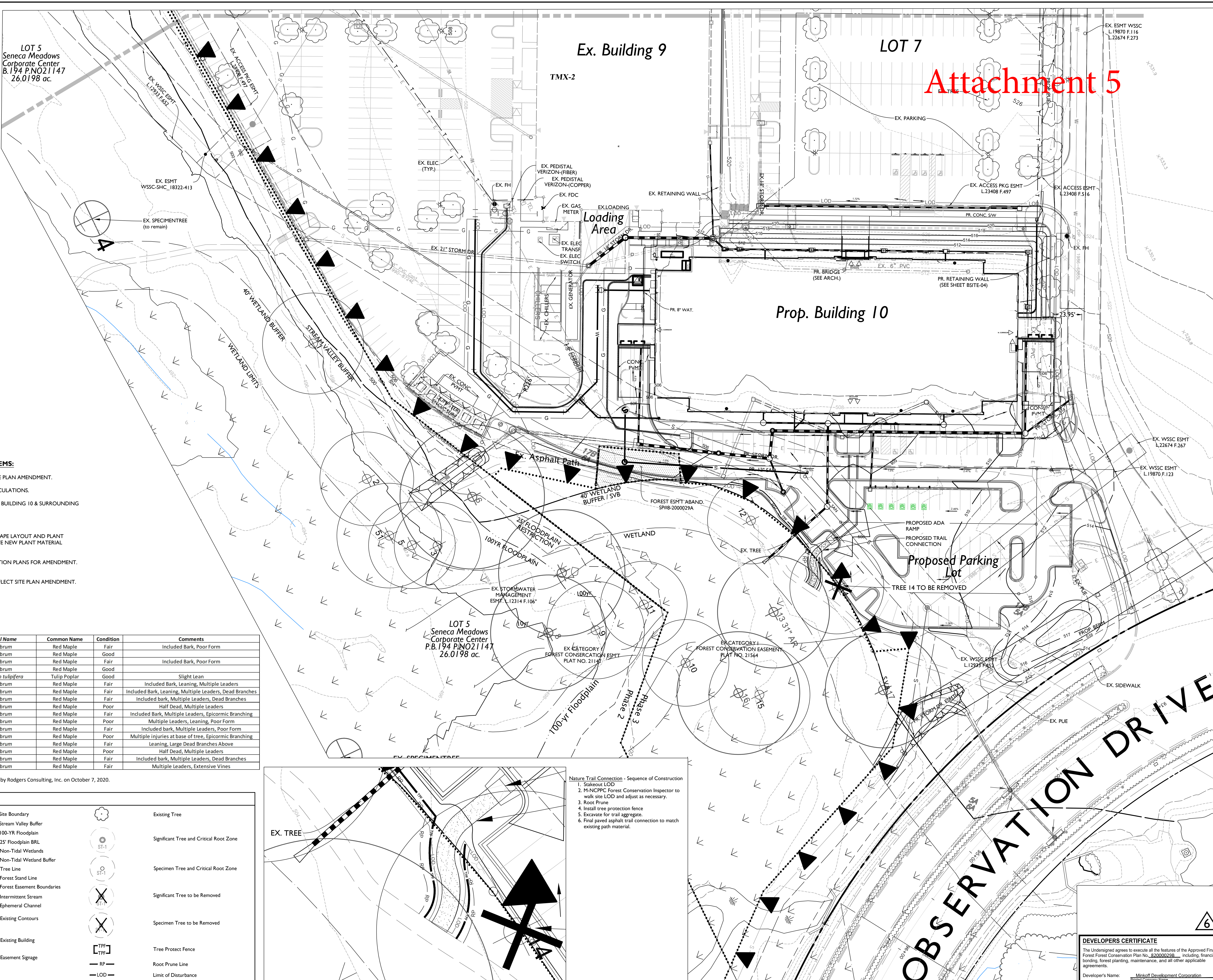


ISSUE DATE	DESCRIPTION
2020.11.18	M-NCPPC - Initial Submission
2020.12.16	M-NCPPC - Initial Submission
2021.03.04	M-NCPPC - Cycle 1 Submission
2021.03.12	M-NCPPC - Cycle 2 Submission
2021.05.25	M-NCPPC - Cycle 3 Submission

REVISIONS NO.	DATE	DESCRIPTION
6		

DEVELOPERS CERTIFICATE	
The Undersigned agrees to execute all the features of the Approved Final Forest Conservation Plan No. 82000029B , including, financial bonding, forest planting, maintenance, and all other applicable agreements.	
Developer's Name:	Minkoff Development Corporation
Contact Person or Owner:	Project Name: 20457 Seneca Meadows Parkway, Germantown, MD 20876
Phone and Email:	Ph: 240.912.0200, email: [redacted]
Signature:	[Signature]
PROJECT NUMBER:	0680A191
DATE:	2021.05.25
SCALE:	1" = 30'
DRAWING TITLE:	Forest Conservation Plan
DRAWING NUMBER:	FCP-03

Attachment 5

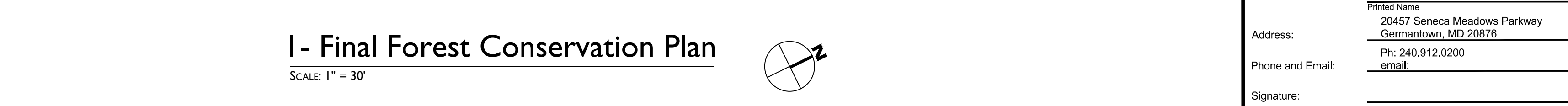
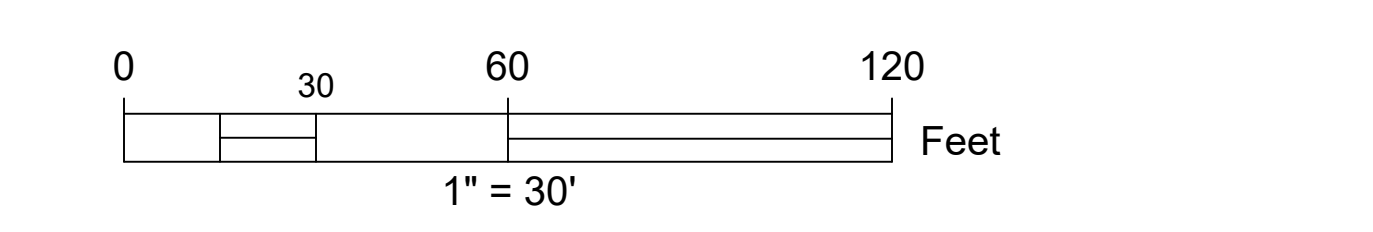
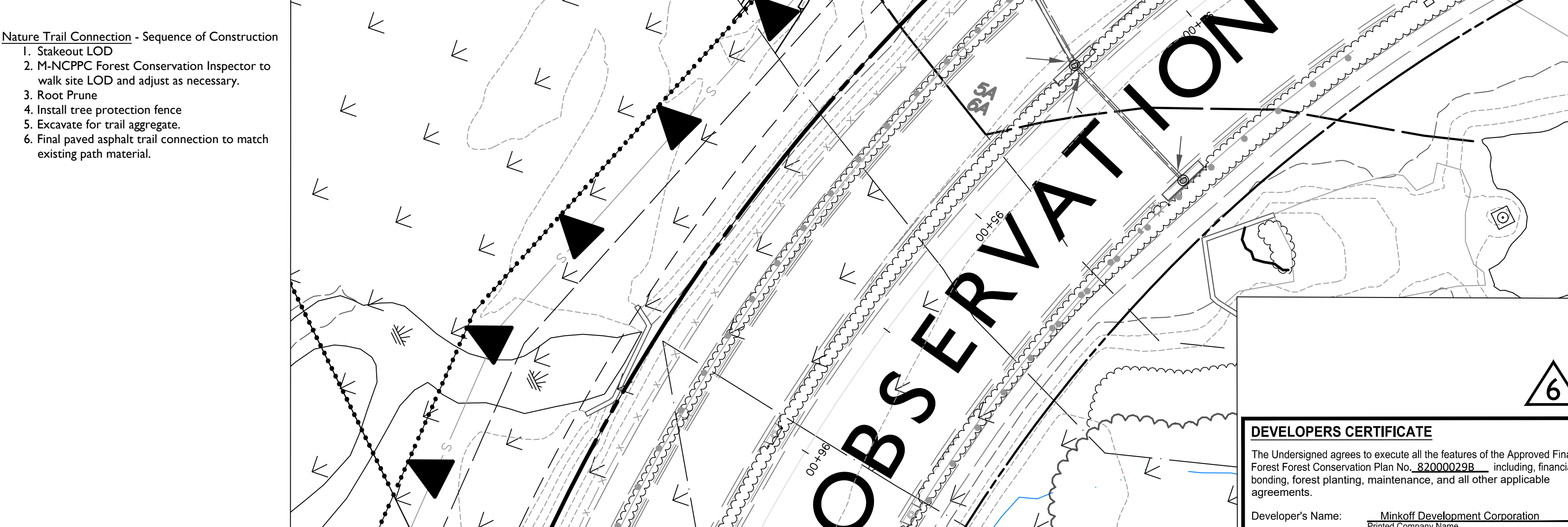
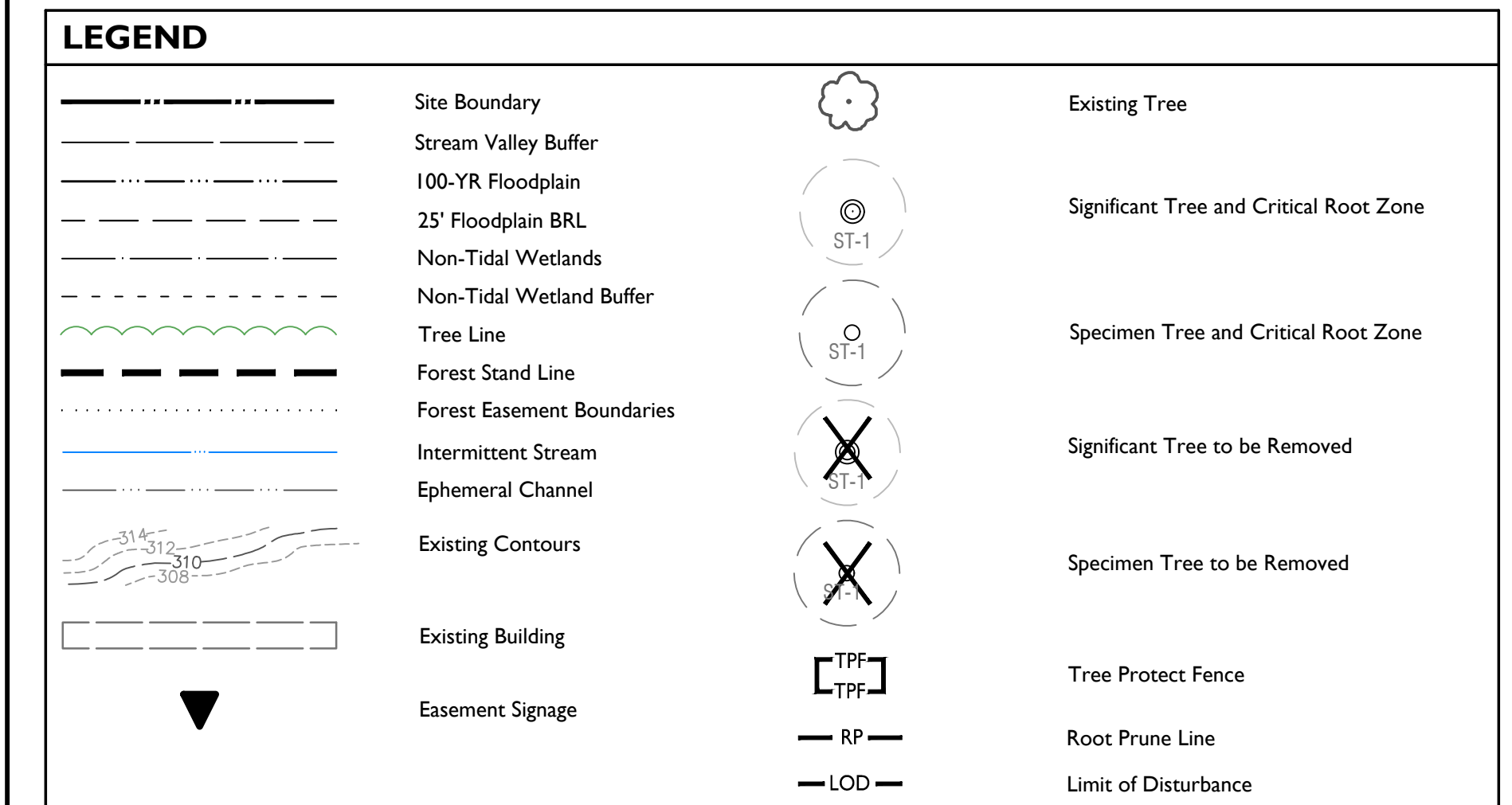


- LIST OF AMENDMENT ITEMS:**
- NEW SHEET ADDED FOR SITE PLAN AMENDMENT.
 - UPDATED GREEN AREA CALCULATIONS.
 - RE-DESIGN AND RE-DEFINED BUILDING 10 & SURROUNDING LAYOUT, ON LOT 7.
 - NO SHEET CHANGES.
 - REVISED / UPDATED LANDSCAPE LAYOUT AND PLANT SCHEDULE TO INCORPORATE NEW PLANT MATERIAL AROUND BUILDING 10.
 - REVISED FOREST CONSERVATION PLANS FOR AMENDMENT. (BFCP & RFCP 01-04).
 - REVISED DATA TABLE TO REFLECT SITE PLAN AMENDMENT.

Ex. Tree Index

Tree No.	DBH	Botanical Name	Common Name	Condition	Comments
1	28	Acer rubrum	Red Maple	Fair	Included Bark, Poor Form
2	26	Acer rubrum	Red Maple	Good	
3	24	Acer rubrum	Red Maple	Fair	Included Bark, Poor Form
5	24	Acer rubrum	Red Maple	Good	
6	40	Liriodendron tulipifera	Tulip Poplar	Good	Slight Lean
7	35	Acer rubrum	Red Maple	Fair	Included Bark, Leaning, Multiple Leaders
8	32	Acer rubrum	Red Maple	Fair	Included Bark, Leaning, Multiple Leaders, Dead Branches
9	27	Acer rubrum	Red Maple	Fair	Included bark, Multiple Leaders, Dead Branches
10	24	Acer rubrum	Red Maple	Poor	Half Dead, Multiple Leaders
11	24	Acer rubrum	Red Maple	Fair	Included Bark, Multiple Leaders, Epicormic Branching
12	24	Acer rubrum	Red Maple	Poor	Multiple Leaders, Leaning, Poor Form
13	31	Acer rubrum	Red Maple	Fair	Included bark, Multiple Leaders, Poor Form
14	26	Acer rubrum	Red Maple	Poor	Multiple injuries at base of tree, Epicormic Branching
15	28	Acer rubrum	Red Maple	Fair	Leaning, Large Dead Branches Above
16	34	Acer rubrum	Red Maple	Poor	Half Dead, Multiple Leaders
17	32	Acer rubrum	Red Maple	Fair	Included bark, Multiple Leaders, Dead Branches
17	32	Acer rubrum	Red Maple	Fair	Included bark, Multiple Leaders, Dead Branches
51	29	Acer rubrum	Red Maple	Fair	Multiple Leaders, Extensive Vines

Note: Site Tree Inventory conducted by Rodgers Consulting, Inc. on October 7, 2020.

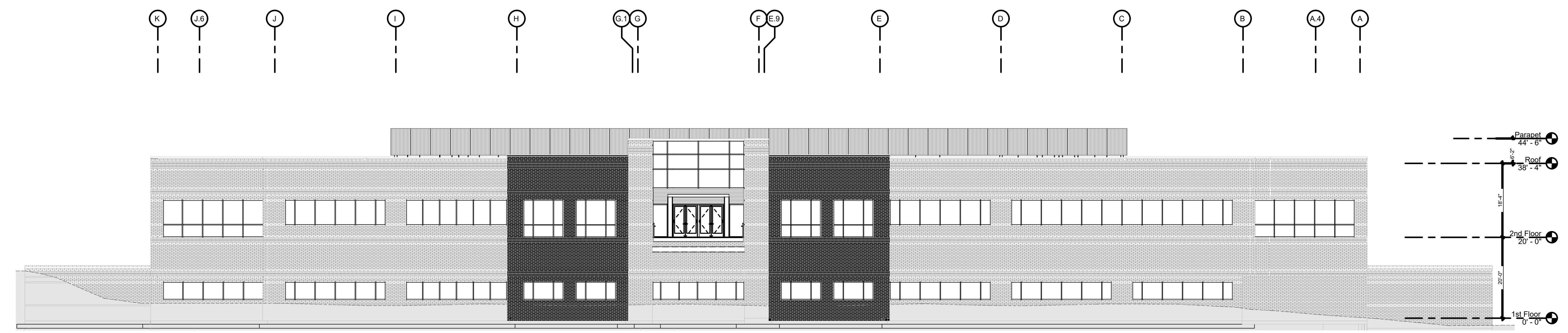


Attachment 6

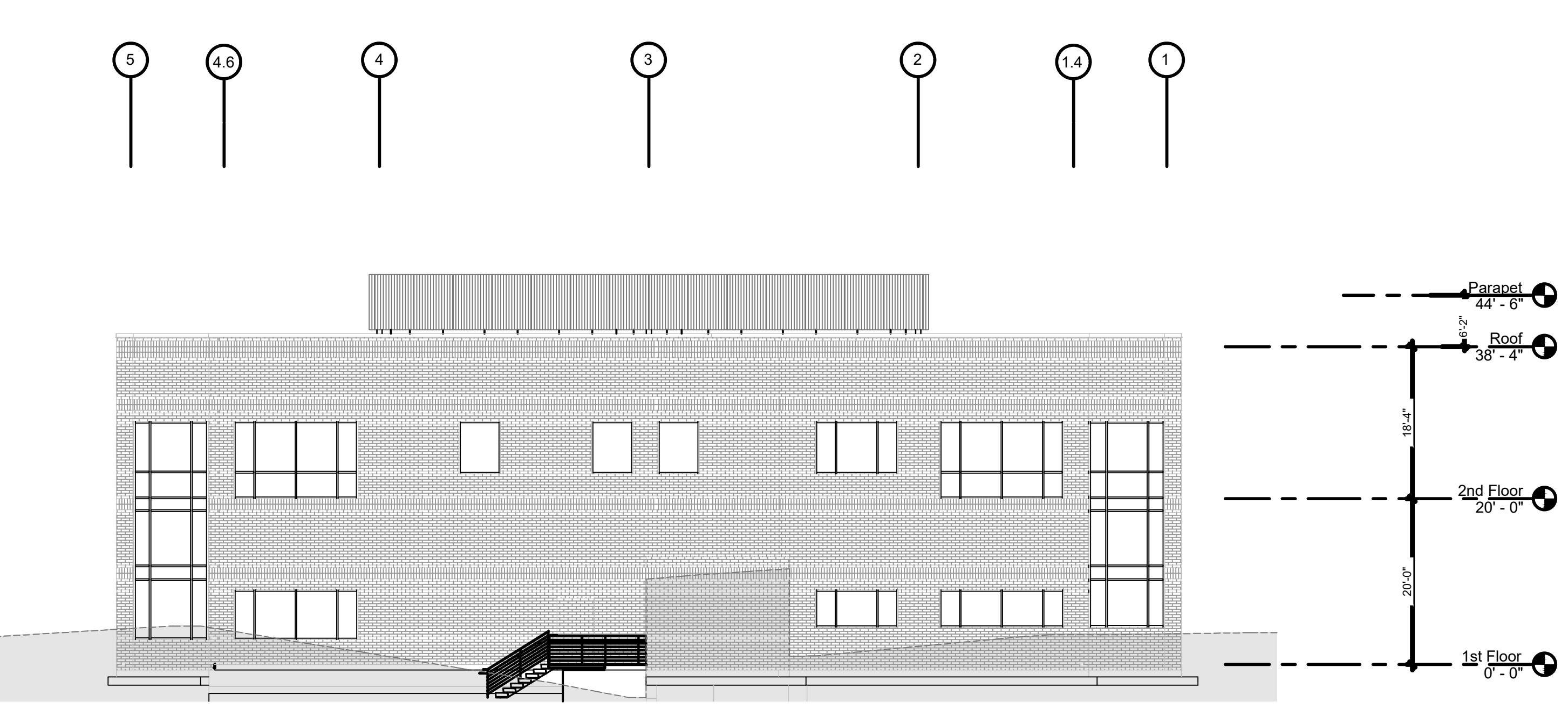


1 - Building 10 - East Elevation
NTS

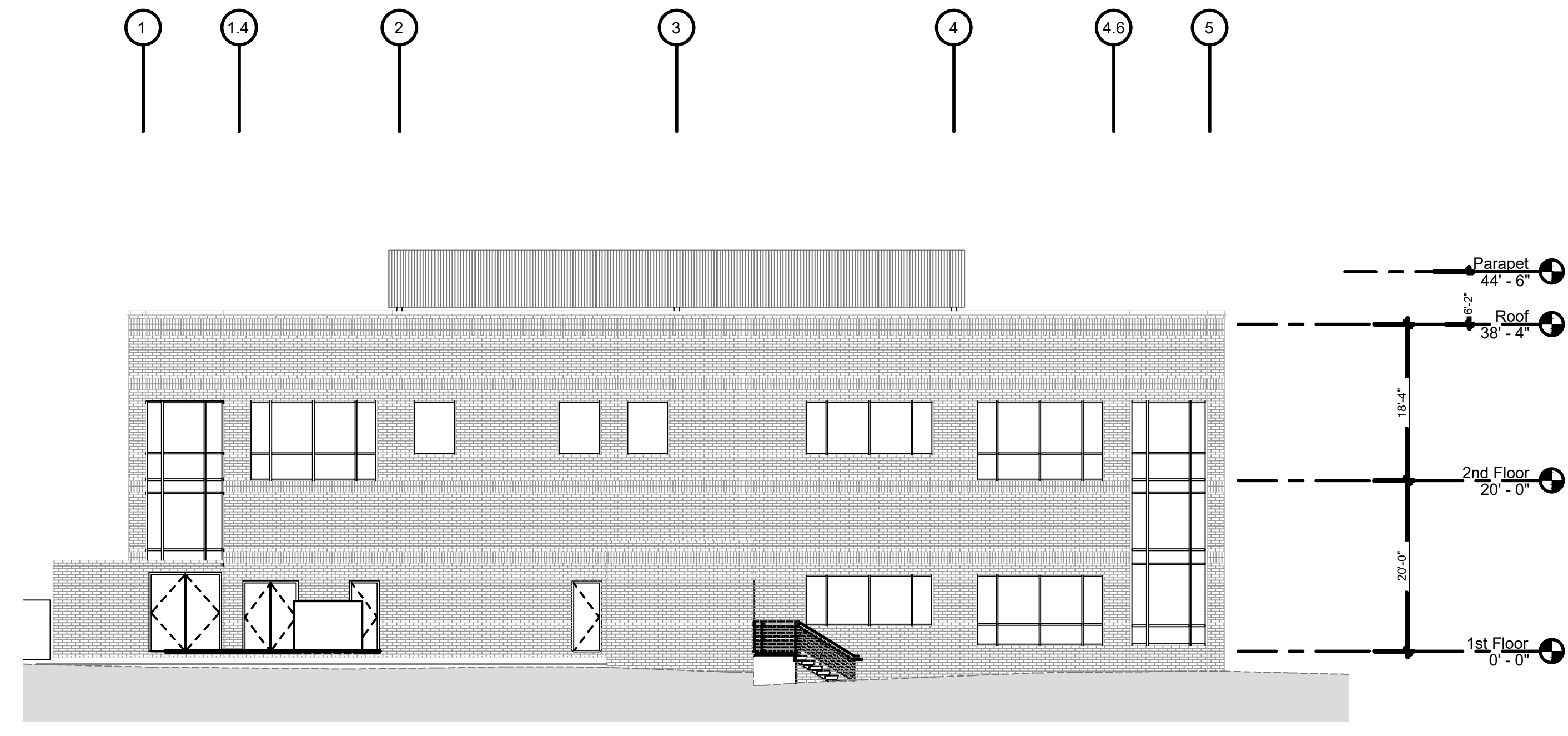
WEST ELEVATION



2 - Building 10 - West Elevation
NTS



3 - Building 10 - North Elevation
NTS



4 - Building 10 - South Elevation
NTS

- LIST OF AMENDMENT ITEMS:**
- NEW SHEET ADDED FOR SITE PLAN AMENDMENT.
 - UPDATED GREEN AREA CALCULATIONS.
 - RE-DESIGN AND RE-DEFINED BUILDING 10 & SURROUNDING LAYOUT, ON LOT 7.
 - NO SHEET CHANGES.
 - REVISED / UPDATED LANDSCAPE LAYOUT AND PLANT SCHEDULE TO INCORPORATE NEW PLANT MATERIAL AROUND BUILDING 10.
 - REVISED FOREST CONSERVATION PLANS FOR AMENDMENT. (BFCP & RFCP 01-04).
 - REVISED DATA TABLE TO REFLECT SITE PLAN AMENDMENT.

MINKOFF

RODGERS CONSULTING

1987 Century Boulevard, Suite 300, Germantown, Maryland 20874
P: 301.948.4700 (Plan), F: 301.948.6256, www.rogers.com

Owners:
Seneca Meadows Corp. Center V and IV, LLCs
20457 Seneca Meadows Parkway
Germantown Maryland, 20876

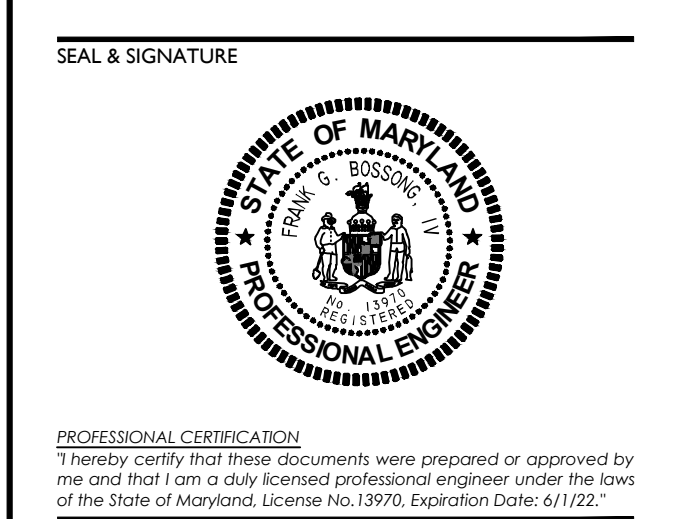
CD Developer:
Minkoff Development Corporation
20457 Seneca Meadows Parkway
Germantown Maryland, 20876
240.912.0200
Attn: Bradley Chad

Land Use Attorney:
Lerch, Early, and Brewer, Chtd
7600 Wisconsin Avenue
Bethesda, Maryland 20814
301.347.1778
Attn: Steve Robbins

Land Planning / Landscape Architect / Civil Engineering:
Rodgers Consulting, Inc.
19847 Century Boulevard, Suite 200
Germantown, Maryland 20878
301.948.4700
Attn: Robert Graham

Architect:
DNC Architects, Inc.
201 East Diamond Avenue
Gaithersburg, Maryland 20877
301.840.1100
Attn: Jeff Fuller

Traffic Engineer:
Kimley-Horn
11400 Commerce Park Drive, Suite 400
Reston, Virginia 20191
703.674.1385
Attn: Andrew Smith



SENECA MEADOWS CORPORATE CENTER PHASE III
Site Plan Amendment B
#82000029B

WSSC Grid: 229NW12, Tax Map: EU563
Montgomery County, Maryland, Germantown Election District No. 2

KEY PLAN

DATE	DESCRIPTION
2020.11.18	M-NCPC - Initial Submission
2020.12.16	M-NCPC - Issue Submission
2021.03.04	M-NCPC - Cycle 1 Submission
2021.03.12	M-NCPC - Cycle 2 Submission
2021.05.25	M-NCPC - Cycle 3 Submission

NOTE: DRAWINGS FOR ILLUSTRATIVE PURPOSES ONLY.

Developer's Certificate
The Undersigned agrees to execute all the features of the Site Plan Approval No. 82000029B including Approval Conditions, Development Program, and Certified Site Plan.

Developer: Minkoff Development Corporation
Bradley Chad
Company Contact Person

Address: 20457 Seneca Meadows Parkway Germantown, Maryland 20876

Phone: (240) 912-0200

Signature: *Bradley Chad*

REVISIONS

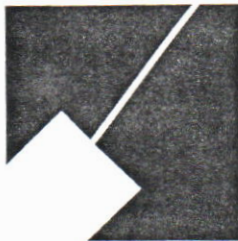
NO.	DATE	DESCRIPTION

PROJECT NUMBER: 0680A191
DATE: 2021.05.25
SCALE: AS SHOWN
DRAWING TITLE: Architectural Plan

ARCH-02

DRAWING NUMBER: ARCH-02
2021.05.24 - 1:31 PM

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD

O P I N I O N

DATE MAILED: May 9, 2000**SITE PLAN REVIEW: #8-00029****PROJECT: Seneca Orbital**

Action: Approval subject to conditions. Motion was made by Commissioner Holmes , seconded by Commissioner Wellington, with a vote of 4-0, Commissioners Holmes, Hussmann, Perdue and Wellington voting for. Commissioner Bryant was absent.

The date of this written opinion is May 9, 2000, (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before June 8, 2000, (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this site plan shall remain valid for as long as Preliminary Plan #1-98004R is valid, as provided in Section 59-D-3.8. Once the property is recorded, this site plan shall remain valid until the expiration of the project's APFO approval, as provided in Section 59-D-3.8.

On May 4, 2000, Site Plan Review #8-00029 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report which is made a part hereof, the Montgomery County Planning Board finds:

1. The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required;
2. The Site Plan meets all of the requirements of the zone in which it is located;

3. The locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are 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;
5. The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.

The Montgomery County Planning Board APPROVES Site Plan Review #8-00029 which consists of 250,410 gross square feet of office manufacturing space subject to the following conditions:

1. Prior to signature approval of the site/landscape plans the following revisions shall be made and/or information provided:
 - a. A table shall be submitted which demonstrates conformance with the green area and parking coverage requirements taking into account the entire development.
 - b. The loading area associated with Building 8 shall be screened from view from Goldenrod Lane. Screening measures may include the use of walls, berming and/or landscaping.
 - c. The landscape planting proposed along Goldenrod Lane shall be revised in conformance with Section 59-E-2.71. The spacing of shrubs along this visually critical corridor will be revised to enable the shrubs to grow into a shrub mass.
 - d. The landscape plans shall be revised to provide foundation planting at the base of each building, additional planting around the bus stop, shrub masses along the common entry drive between Lots 7 and future Lot 8, and additional shade trees in the entrance medians and interior parking lot islands.
Additional landscape planting shall also be provided along the southern property line in conformance with Section 59-E-2.72 and to screen the loading area associated with Building 10.
 - e. Special paving shall be provided in the plaza area. Details and specifications for the plaza seating, lighting, planting, railing etc. shall be added to the plans. The landscape planting proposed in the plaza area shall be revised/supplemented to establish a site identity and an amenity.
 - f. The location of future lead walk connections to the future office site to the north shall be provided on the site plan. The final location of these connections will be determined at the time of submission of the site plan for the adjoining property.
 - g. The lighting plan shall be revised to show that all parking lot standards are located within landscape islands where possible. A computer generated lighting distribution (photometric) plan and lighting details and specifications shall be submitted and approved by staff. Lighting levels shall be in

- conformance with the recently published IESNA standards.
- h. The parking spaces near the 34" caliper Oak tree shall be deleted and /or relocated to maximize the undisturbed area within the critical root zone. The storm drain line shown within the critical zone shall be relocated.
2. Prior to release of building permits for Lots 6 and/or 7, the trail through Lot 5 and through the forest conservation area located in the southeast corner of Lot 7, shall be field located by the applicant and M-NCPPC staff. Construction of the trail shall be completed prior to occupancy of the first building on Lot 6 or Lot 7. The trail shall be constructed in conformance with M-NCPPC trail construction standards and specifications and shall include boardwalk through wetland areas.
 3. The 24" storm drain outfall into the forest conservation area shall be field located to minimize impact to the tree save area. The location of the outfall shall be shown on the final forest conservation plan.
 4. Submit a Site Plan Enforcement Agreement and Development Program for review and approval prior to approval of the signature set as follows:
 - a. Development Program to include a phasing schedule as follows:
 - 1) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
 - 2) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
 - 3) Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
 - 4) Coordination of each section of the development and roads;
 - 5) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
 - b. Site Plan Enforcement Agreement to delineate transportation management program.
 5. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
 - a. Undisturbed stream buffers;
 - b. Limits of disturbance;
 - c. Methods and location of tree protection;
 - d. Forest Conservation areas;
 - e. Relocation of stormwater facility outfalls from pond away from forest preservation or other environmentally sensitive areas;

- f. Conditions of DPS Stormwater Management Concept approval letter dated *April 14, 2000*;
 - g. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
 - h. The development program inspection schedule.
 - I. Conservation easement boundary
 - j. location of outfalls away from tree preservation areas;
6. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat and DPS issuance of sediment and erosion control permit.
7. No clearing or grading prior to M-NCPPC approval of signature set of plans.



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

Date: 08-07-13

TO: Gwen Wright, Planning Director
VIA: John Carter, Area 3, Chief *JAC*
FROM: Sandra Pereira, Area 3, Planner Coordinator *SP*
SUBJECT: Certified Site Plan Amendment No. 82000029A: Seneca Orbital, Phase 3

RECOMMENDATION

Staff recommends **approval** of the Amendment to Certified Site Plan **82000029A: Seneca Orbital, Phase 3.**

PROJECT DESCRIPTION

On August 10, 2011, Minkoff Development Corporation, ("Applicant") filed an application for an Amendment to the Certified Site Plan designated No. 82000029A, Seneca Orbital, Phase 3 ("Application"). The Application requests approval of the following modifications:

- 1) Reflect as-built parking lot conditions on the south side of future Building 10, and adjustment to the Forest Conservation Easement boundary lines to remove overlap with existing parking lot.
- 2) Reflect as-built path location and material consistency. Wood chip path and asphalt path to remain as shown on the approved Forest Conservation Plan.
- 3) Reflect revised Forest Conservation Easement boundary per approved FFCP dated July 26, 2013.

DISCUSSION

As required, the Applicant placed proper signage on the property and sent notices regarding the amendments to all required parties on June 29, 2011. The notice gave interested parties 15 days to review and comment on the contents of the Application. Staff **did not** receive any correspondence from the interested parties.

FINDINGS

In accordance with the Montgomery County Zoning Ordinance: Section 59-D-3.7(d), Staff finds that the Certified Site Plan Amendment meets the following:

- (1) Does not:
 - a. Increase the building height
 - b. Increase the floor area
 - c. Increase the number of dwelling units
 - d. Prevent circulation on any street or path

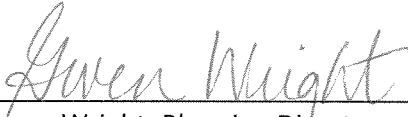
- (2) Modifies one or more of the following elements of the approved Site Plan:
 - a. A parking or loading area
 - b. Landscaping, a sidewalk, recreational facilities, public use space, or green area in a manner that does not alter basic elements of the plan; or
 - c. Any other plan element that will have a minimal effect on the overall design, layout quality, or intent of the plan.

The modifications proposed bring the site plan into compliance with the amended Forest Conservation Plan dated July 26, 2013 and the Plan of Action letter of 11/4/10. The modifications are minor and will have a minimal effect on the overall design, layout quality, or intent of the plan.

CONCLUSION

Staff recommends **approval** of the Amendment to the Certified Site Plan in accordance with the required findings. This Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8. The Applicant is responsible for submitting a certified site plan, after approval, for the specific modifications.

ACCEPTED & APPROVED BY:



Gwen Wright, Planning Director