



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

MCPB No. 21-090
Site Plan No. 82000029B
Seneca Meadows Corporate Center Ph.3
Date of Hearing: July 29, 2021

AUG 11 2021

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 May 9, 2000, the Planning Board, by written opinion, approved Site Plan No. 820000290 for the construction of three structures totaling 250,410 square feet of office/manufacturing uses on 18 acres of I-3 zoned-land, located on the west side of Observation Drive, approximately 600 feet south of the intersection of Observation Drive and Seneca Meadows Parkway ("Subject Property"), in the Germantown East Policy Area and 2009 *Germantown Sector Plan* ("Sector Plan") area; and

WHEREAS, on August 7, 2013, the Planning Director administratively approved an amendment to the previously approved site plan, designated Site Plan No. 82000029A, to remove small portions of the existing Category I Forest Conservation easement on Lot 6; and

WHEREAS, on January 7, 2021, Minkoff Development Corporation ("Applicant") filed an application for approval of an amendment to the previously approved site plan(s) to increase the allowable square footage of Building #10 by 6,684 square feet, from 72,316 square feet to 79,000 square feet, as well as make minor modifications to architecture, parking, loading, on-site circulation, landscaping, lighting, and forest conservation on the Subject Property; and

2425 Reedie Drive, 14th Floor, Wheaton, Maryland 20902 Phone: 301.495.4605 Fax: 301.495.1320
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc.org

Approved as to
Legal Sufficiency: /s/ Emily Vaias
M-NCPPC Legal Department

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82000029B, Seneca Meadows Corporate Center Ph.3 ("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 July 16, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 29, 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, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82000029B to increase the allowable square footage of Building #10 by 6,684 square feet, from 72,316 square feet to 79,000 square feet, as well as make minor modifications to architecture, parking, loading, on-site circulation, landscaping, lighting, and forest conservation by adding the following conditions:¹

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 Lots 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:

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

- 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 in a form 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 Site Plan and 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 Office of the General Counsel. 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 Site Plan and 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.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this Property remain valid, unchanged and in full force and effect

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Site Plan 82000029B, Seneca Meadows Corporate Center Ph.3, submitted via ePlans to the 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 having considered 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, the Planning Board FINDS, with the conditions of approval, that:

Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan and all findings not specifically addressed remain in effect.

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 because although it increases the density of one building on Lot 6, the increase is less than 10% of the approved gross floor area. 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 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."

The Application is less than 10 percent of the approved gross floor area, or 7,500 square feet or less, qualifying it 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) | | | | | | | | |
| | | | | Ac reage | Square Footage | Ac reage | 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 | | 0.34 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% ** | 124,553 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 | | Required / Permitted | Approved Amendment A | Approved Amendment B |
|---------------------------------|-------------------|----------------------|----------------------|----------------------|
| 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 | Required / Permitted | Approved Amendment A | Approved Amendment B |
|------------|----------------------|----------------------|----------------------|
| Lot 6 | 5% | 11% | 11% |
| Lot 7 | 5% | 11% | 11% |

59 C-5.433 - Street Frontage and access

| Public / Private Street Frontage | Required / Permitted | Approved Amendment A | Approved Amendment B |
|----------------------------------|----------------------|----------------------|----------------------|
| 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 (before allowable credits) | 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 | |
| Parking Differential | | 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 | |
| Parking Differential | | (0) | |
| Bicycle Spaces (Section 59-E-2.3.A) | | | |
| Lot 6 | | 20 sp | 6 sp |
| Lot 7 | | | 14 sp |
| Bicycle Spaces (Section 59-E-2.3.A) | | 20 | |
| Parking Differential | | 0 | |

- 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 the both 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.*

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 approved as part of 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 as specified in the FFCP Worksheet 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.

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 Site Plan shall remain valid as provided in 2004 Montgomery County Code § 59-D-3.8; 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 AUG 11 2021 (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).

* * * * *

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, July 29, 2021, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board