



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

MCPB No. 22-008
Site Plan No. 81999005A
9615 MEDICAL CENTER DRIVE
Date of Hearing: January 27, 2022

FEB 03 2022

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 October 8, 1988, the Planning Board, approved Site Plan No. Site Plan No. 819990050 for the addition of 50,000 square feet for an academic building (Building II) consistent with the Concept Master Plan on 35.56 acres of LSC zoned-land, located on Blackwell Road, west of the intersection of Medical Center Drive and Blackwell Road ("Subject Property"), in the *Great Seneca Science Corridor Master Plan* ("Master Plan") area; and

WHEREAS, on September 22, 2021, ARE-Maryland No. 53, LLC ("Applicant") filed an application for approval of an amendment to the previously approved site plan to construct a 1,320-square foot building addition on the southern façade of Building II to accommodate an elevator and associated site improvements, including new curb, gutter, sidewalk, and a building overhang on the Subject Property; and

WHEREAS Applicant's application to amend the site plan was designated Site Plan No. 81999005A, 9615 MEDICAL CENTER DRIVE ("Site Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated January 13, 2022, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

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

WHEREAS, on January 27, 2022, 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. 81999005A to construct a 1,320-square foot building addition on the southern façade of Building II to accommodate an elevator, and associated site improvements including new curb, gutter, sidewalk, and a building overhang by **adding** the following conditions:¹

5. Density

The Site Plan is limited to a maximum of 51,320 square feet of development consisting of 50,000 square feet of existing development and 1,320 square feet of new development of research and development uses on the Subject Property.

6. 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.

7. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.

8. Prior to the start of any demolition, clearing, grading or construction for this development Application, the Applicant must submit the forest conservation fee-in-lieu payment to the M-NCPPC Planning Department for the 0.01 acres of afforestation/reforestation requirement.

9. The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.

10. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet A 3.1.0 of the submitted architectural drawings, as determined by M-NCPPC Staff.

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.

11. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, railings, private utilities, paths and associated improvements of development, including sidewalks and storm drainage facilities. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

12. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

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

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 9615 MEDICAL CENTER DRIVE Site Plan No. 81999005A, 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 of its Staff as 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.

Satisfies applicable use standards, development standards, and general requirements under this Chapter;

- i. ***Division Section 59-C-5.47. Special regulations LSC zone.***

Table 1: 9615 Medical Center Drive, Site Plan Amendment No. 81999005A Data Table for LSC-zone, 59-C-5.47. Special regulations LSC zone.

Development Standard	81990050 Approved	8199005A Proposed
Site Area (acres)	n/a	12.52
Medical (sq)	50,000	51,320
Building Height (ft)	52.24	52.24
Building Coverage (sq)	16,131	16,666
Minimum Setbacks (ft)		
Front R/W line	50	50
From Interior lot line	20	20
Parking	718	718

Satisfies the applicable requirements of Chapter 22A, Forest Conservation:

Environmental Guidelines

Staff approved a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD No. 420101820) on October 11, 2011. The Property contains no streams or stream buffers, wetlands or wetland buffers, hydraulically adjacent steep slopes, 100-year floodplains, or known habitats of Rare, Threatened and Endangered species, or historic resources. The Property is within the Muddy Branch Watershed, which is a Maryland State Use Class I stream. This watershed is not in a Special Protection Area. The subject Site Plan Amendment is in conformance with the Montgomery County Planning Department's Environmental Guidelines.

Forest Conservation

The Project is subject to the Montgomery County Forest Conservation law (Chapter 22A of the Code) and a Final Forest Conservation Plan (FFCP) was submitted in conjunction with the subject Site Plan Amendment. A Preliminary Forest Conservation Plan was approved for the Johns Hopkins University Montgomery County Medical Center (JHU MCMC) Campus on October 12, 2011 (PFCP No. 11986115C). For purposes of Forest Conservation, the net tract area is 31.97 acres, which includes the entire 35.57-acre campus minus 3.6 acres of dedication for roads and improvements not being constructed as part of this development. The Preliminary Forest Conservation Plan requires a combined afforestation and reforestation of 4.8 acres. This requirement is to be satisfied with off-site reforestation, payment of a fee-in-lieu, or a combination thereof. The Final Forest Conservation Plan is phased with each Site Plan approved for the JHU MCMC Campus. The amount of afforestation/reforestation credit proposed with each Site Plan must be commensurate with the proportion of the net tract area being developed until the total of 4.8 acres of afforestation and reforestation is accomplished.

The Final Forest Conservation Plan must be revised with each new Site Plan to reflect the total forest mitigation completed for all previous phases, including the current phase. The proposed Site Plan has a Limit of Disturbance (LOD) of 0.04 acres, which represents approximately 0.1% of the net tract area. The Applicant is providing 0.01 acres of afforestation/reforestation credit, which will be met through payment of fee-in-lieu. This leaves 4.47 acres of mitigation to be fulfilled in subsequent phases of development. Based on the analysis above, this Site Plan Amendment is in conformance with the Environmental Guidelines and in compliance with Chapter 22A, Forest Conservation Law.

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 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 FEB 03 2022 (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 Rubin, with Chair Anderson and Commissioners Cichy, Patterson, Verma, and Rubin voting in favor of the motion at its regular meeting held on Thursday, January 27, 2022, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board