



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

**FEB 22 2022**

MCPB No. 22-013  
Site Plan No. 82014011B  
United Therapeutics 1000 Spring Street  
Date of Hearing: January 20, 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, on September 18, 2014, the Planning Board, by Resolution MCPB No. 14-53 approved Site Plan No. 820140110 for 121,724 square feet of development, including 111,724 square feet of office/laboratory and 10,000 square feet of retail on 1.79 acres of CBD-1 zoned-land, located in the southwest quadrant of the intersection of Colesville Road and Spring Street ("Subject Property"), in the Silver Spring CBD Policy Area, Spring Silver CBD Sector plan ("Master Plan") area; and

WHEREAS, on May 25, 2019, the Planning Director approved an administrative amendment per the provisions of Section 59.7.7.1.B.3.a of the Zoning Ordinance designated Site Plan No. 82014011A to approve modifications to the solar panels, electrical vaults, roof deck, plantings, and light fixtures on the Subject Property; and

WHEREAS, on July 28, 2021, United Therapeutics Corporation ("Applicant") filed an application for approval of an amendment to the previously approved site plans to convert a previously approved 10,000 square feet of retail and 1,000 square feet of laboratory/office into an 11,000 square foot daycare center within an existing office building, comply with the CR zone optional method development standards, and modify associated landscaping and hardscape on the Subject Property; and

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Approved as to  
Legal Sufficiency: Matthew T. Mills  
M-NCPPC Legal Department

WHEREAS the application to amend the site plan was designated Site Plan No. United Therapeutics 1000 Spring Street, 82014011B ("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 7, 2022, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on January 20, 2022, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on January 20, 2022, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Cichy, seconded by Commissioner Verma, with a vote of 5-0; Commissioners Anderson, Cichy, Patterson, Rubin, and Verma voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82014011B to convert a previously approved 10,000 square feet of retail and 1,000 square feet of laboratory/office into an 11,000 square foot daycare center within an existing office building, comply with the CR zone optional method development standards, and modify associated landscaping and hardscape by modifying the following conditions, which, when implemented through issuance of building permit, or use and occupancy certificate, or site development permits through DPS, supersede all of the conditions of Site Plan No. 820140110 in their entirety:<sup>1</sup>

**1. Density**

The Site Plan is limited to a maximum of 121,724 square feet of total non-residential development on the Subject Property, including 110,724 square feet of office/laboratory uses and 11,000 square feet of daycare uses.

**2. Height**

The development is limited to a maximum height of 90 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

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<sup>1</sup> 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.

### **3. Public Open Space**

- a) The Applicant must provide a minimum of 3,911 square feet of public open space on-site.
- b) The Applicant must provide, install, maintain, and operate securable gates at both ends of the proposed mid-block pedestrian "BioPath" connection, and may restrict access to the BioPath connection. Each gate must be equipped with an emergency access "knox box," or other device specified by Montgomery County Fire and Rescue Service (MCFRS).

### **4. Public Benefits**

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *CR and Employment Zones Incentive Density Implementation Guidelines* for each one.

- a) Transit Proximity: Final area calculations must be presented to the Planning Board and be included on the Certified Site Plan – points are specific and determined by location per Guidelines.
- b) Connectivity between Uses, Activities, and Mobility Options
  - i. Minimum Parking – The Applicant must not provide more than 152 vehicular parking spaces, as shown on the Certified Site Plan.
- c) Quality Building and Site Design
  - i. Architectural Elevations – Final elevation design must be shown on the Certified Site Plan. The exterior architectural elements must be substantially similar to architectural elevations as shown on the Certified Site Plan and as determined by M-NCPPC Staff.
  - ii. Exceptional Design - The Applicant must construct the building in a manner consistent with the architectural elevations included in the Certified Site Plan.
  - iii. Structured Parking – The Applicant must provide all vehicular parking spaces within an above-grade structure.
- d) Protection and Enhancement of the Natural Environment

- i. **Building Lot Terminations (BLTs)** – Before issuance of any building permit, the Applicant must provide proof to MCDPS and M-NCPPC staff of purchase and/or payment for 0.1829 BLTs.
- ii. **Energy Conservation and Generation** – The Applicant must maintain the building's energy efficiency standards for the building type by exceeding 17.5%, as determined by MCDPS through the methodology established by ASHRAE 90.1 (2013) Appendix G. The energy model must be submitted to DPS with the building permit application. Also the building must provide renewable energy facilities on site for a minimum of 2.5% of the projected energy requirement.
- iii. **Recycling Facility Plan** – The Applicant must adhere to the Recycling Facility Plan as approved by the Department of Environmental Protection.

#### **5. Pedestrian and Bicycle Circulation**

The Applicant must provide 21 long-term and 3 short-term bicycle parking spaces.

#### **6. Fire and Rescue**

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated July 6, 2013 and updated on September 20, 2021 and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

#### **7. Forest Conservation & Tree Save**

The development must comply with the Final Forest Conservation Plan and/or Tree Save Plan.

#### **8. Stormwater Management**

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated March 19, 2014 and reconfirmed on May 4, 2021 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set

forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

## **9. Lighting**

- a) New lighting installed under this Site Plan amendment must comply with the standards below:
  - i. Prior to certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
  - ii. All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
  - iii. Deflectors will be installed on any proposed fixtures to prevent excess illumination and glare.
  - iv. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by street lights within the right-of-way.
  - v. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
  - vi. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.
- b) Any existing lighting that was approved by Site Plan 820140110 and 820140110A must comply with the standards below:
  - i. The lighting distribution and photometric plan with summary report and tabulations must conform to the Illuminating Engineering Standards of North America ("IESNA") standards for commercial development.
  - ii. All onsite down-light fixtures must be full cut-off fixtures.

- iii. Illumination levels generated from on-site lighting shall not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential developed properties.
- iv. Deflectors must be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.



#### **10. Site Plan Surety and Maintenance Agreement**

Prior to issuance of the use and occupancy certificate associated with the daycare or any site development permit by DPS for the proposed new day care, 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 59.7.3.4.K.4 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, site furniture, fences, railings and associated improvements of development. The surety must be posted before issuance of the use and occupancy certificate associated with the daycare or any site development permit 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 provided that the remaining surety is sufficient to cover completion of the remaining work.

#### **11. Development Program**

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

#### **12. Certified Site Plan**

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution (and other applicable resolutions) on the approval or cover sheet(s).

- b) Add a note to the Site Plan stating that “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”
- c) Add a note stating that “Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.

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

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of United Therapeutics 1000 Spring Street, 82014011B, 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 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, this Amendment and the findings below replace all previous findings in its entirety:

- 1. When reviewing an application, the approval findings apply only to the site covered by the application.***

The findings herein apply only to the Subject Property.

- 2. To approve a Site Plan, the Planning Board must find that the proposed development:***

- a) satisfies any previous approval that applies to the site;***

Site Plan Amendment 82014011B is consistent with Sketch Plan 320210090 and Preliminary Plan Amendment 12013019A, as amended.



***b) satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;***

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

***c) satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;***

This section is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

***d) satisfies applicable use standards, development standards, and general requirements under this Chapter;***

***i. Division 4.5 CR Zone***

**Development Standards**

The Subject Property is zoned CR-3.0 C-2.0 R-2.75 H-90T', totaling 2.06 tract acres. The following Data Table shows the Application's conformance to the development standards of the zone.

*Table 4: United Therapeutics 1000 Spring Street Site Plan Data Table for CR Zone, Optional Method, Section 59.4.5*

Development Standard	Permitted/ Required	Proposed
<b>Tract Area</b>	n/a	<b>89,766 (2.06)</b>
Prior Dedication	n/a	22,029 (0.51)
Proposed Dedication	n/a	0
<b>Site Area</b>	n/a	<b>67,737 (1.56)</b>
<b>Mapped Density</b>		
CR 3, C 2.0 R 2.75 H-90T		
Residential (GFA/ FAR)	246,857 (2.75)	0 (0)
Commercial (GFA/FAR)	179,532 (2)	121,724 sf(1.35)
Laboratory/office		110,724 sf
Daycare		11,000 sf
<b>Total GFA/FAR</b>	<b>269,298 (3)</b>	<b>121,724 sf (1.35)</b>
<b>Building Height, max average</b>	90'	90'

<b>Public Open Space (min s.f.)</b>	5% <sup>2</sup> (3,387 sf)	5% (3,911 sf)
<b>Minimum Setbacks (ft)</b>		
Front (Spring)	0	0
Front (Colesville)	0	16'
Side	0	0
Rear	0	10'

*Table 5: United Therapeutics 1000 Spring Street Site Plan Parking Standards*

<b>Parking</b>	<b>Spaces Required (min)</b>	<b>Spaces Provided</b>
Vehicle Parking		
Office/Lab 111,724 sf	111 min / 333 max	
Daycare 11,000 sf	33 min / 44 max	
<b>Vehicle Total</b>	<b>144 min / 377 max</b>	<b>152</b>
Bicycle Parking (long term/short term)		
Office/Lab 111,724 sf	19 / 3	
Daycare 11,000 sf	2 / 0	
<b>Bicycle Parking Total</b>	<b>21/3</b>	<b>21 / 6</b>
Loading Spaces	2	<b>2</b>

## ii. *Division 4.7 Optional Method Public Benefits*

In accordance with the Zoning Ordinance, Section 59.4.7.1., the Site Plan proposes the following public benefits to satisfy the requirements: Transit Proximity, Connectivity and Mobility, , Quality of Building and Site Design, and Protection and Enhancement of the Natural Environment.

*Table 6: Public Benefit Calculations*

<b>Public Benefits</b>	<b>Incentive Density</b>	
	Max Allowed	Approved
<b>59.4.7.3.B: Transit Proximity</b>		
<b>Level 1 between ¼ and ½ mile</b>	30	30
<b>59.4.7.3C: Connectivity and Mobility</b>		
<b>Minimum Parking</b>	10	9.65
<b>59.4.7.3E: Quality of Building and Site Design</b>		
<b>Architectural Elevations</b>	20	10
<b>Exceptional Design</b>	10	10

<sup>2</sup> For 1.01 to 3.00 acre Tract Area and 2 Existing Frontages.

<b>Structured Parking</b>	20	10
<b>59.4.7.3.F: Protection and Enhancement of the Natural Environment</b>		
<b>Building Lot Terminations (BLT)</b>	30	1.6
<b>Energy Generation</b>	15	15
<b>Energy Conservation</b>	15	15
<b>Recycling Facility Plan</b>	10	10
<b>TOTAL</b>		111.6

## **Transit Proximity**

### **Level One**

The Applicant requests 30 points for locating the Project between ¼ and ½ mile from a Level 1 transit station (Silver Spring Metro Station). The Planning Board approves 30 points for the subcategory.

## **Connectivity and Mobility**

### **Minimum Parking**

The Applicant requests 9.65 points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points for providing maximum allowable number of on-site spaces to 10 points for providing no more than the minimum numbers of spaces on-site. Based on the calculation below, the Planning Board approves 9.65 points for the subcategory.

$$\begin{aligned} & ((A-P) / (A-R)) * 10 \\ & ((377-152) / (377-144)) * 10 = 9.65 \text{ points} \end{aligned}$$

## **Quality of Building and Site Design**

### **Architectural Elevations**

The Applicant requests 10 points for providing architectural elevations as part of the Certified Site Plan showing particular elements of the design such as minimum amounts of transparency, maximum separation between doors, and other design priorities of the applicable Sector Plan and implementing design guidelines. The existing elevations show that the building achieves a 41% transparency on the ground floor fronting on Spring Street and a 47% transparency along Colesville Road. The transparency on the upper floors ranges between 60-65%. The unique shape of the building as an elliptical, paired with the dynamic materials, achieve a design that acts as a gateway for those entering the Silver Spring CBD. The Planning Board approves 10 points for architectural elevations.

### **Exceptional Design**

The Applicant requested 10 points for the design of the existing building because it exemplifies exceptional design and further enhances the pedestrian realm, particularly with the addition of the fence and redesigned play space. Per the CR Guidelines, 5

points is appropriate for development that meets 4 of the criteria listed below, and 10 points is appropriate for development that meets all of the criteria.

- *Providing innovative solutions in response to the immediate context*

The unique elliptical shape of the building responds to the corner lot, providing an elevation that is visible from multiple vantage points. The building provides solar panels on the southern façade and roof to maximize renewable energy in an urban setting.

- *Creating a sense of place and serves as a landmark*

The elliptical shape of the building provides a gateway experience to those entering the Silver Spring CBD. The improvements proposed within the private outdoor daycare space and proposed fence with artistic ribbon will create a sense of place for those walking along the Colesville Road frontage.

- *Enhancing the public realm in a distinct and original manner*

The original building construction provided wide sidewalks with streetscape elements and vegetation along the Colesville Road and Spring Street frontages. The proposed fence with artistic ribbon work will provide a playful, colorful experience that will further enhance the public realm.

- *Introducing materials, forms or building methods unique to the immediate vicinity or applied in a unique way*

The materials of the existing building consist of metal panel, louvers, and a curtain wall. These materials are similar throughout the United Therapeutics campus with a distinct metal and orange design. The proposed fence will introduce new colors into the United Therapeutics with a purple and blue ribbon wave along the fence that will represent the playful nature and use of the daycare.

- *Designing compact, infill development solving working and shopping environments are more pleasurable and desirable on a site.*

The existing building is compact in design, providing a parking structure, and office/laboratory space with ground floor daycare on a corner lot in the Silver Spring CBD. The original construction also provided a through block connection from Cameron Street, further improving pedestrian mobility in the area.

- *Integrating low-impact development methods into the overall design of the site and building, beyond green building or site requirements*

The existing building has been sustainably designed and constructed. The building integrates several low impact components such as solar panels, several green roofs, and geothermal wells for heating and cooling. The building is certified LEED Platinum and LEED Net Zero.

The Planning Board approves 10 points for Exceptional Design.

### **Structured Parking**

The Applicant requests 10 points for providing structured parking. Based on the formula below, the Planning Board approves 10 points for the subcategory.

$$\begin{aligned} & ((A / T) * 10) + ((B / T) * 20) \\ & ((152 / 152) * 10) + ((0 / 152) * 20) = 10 \text{ points} \end{aligned}$$

### **Protection and Enhancement of the Natural Environment Building Lot Termination (BLT)**

The Applicant requests 1.65 points for the purchase of BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area. Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance. Based on the calculation, the Planning Board approves 1.65 points for the purchase of 0.1829 BLTs.

$$\begin{aligned} & B - (T * 0.5) * 0.075 / 31,500 * 9 \\ & 121,724 - (89,766 * 0.5) * 0.075 / 31,500 * 9 = 1.65 \text{ points} \end{aligned}$$

### **Energy Generation**

The Applicant requests 15 points for retaining a building that exceeds the energy efficiency standards for the building type by 17.5%. The building's efficiency has been confirmed by DPS staff; therefore the Planning Board approves 15 points for energy generation.

### **Energy Conservation**

The Applicant requests 15 points for providing renewable energy generation facilities onsite for a minimum of 2.5% of the projected energy requirements for the development. The building produces at least 2.5% of its energy from solar panels and geothermal heating and cooling. The building's renewable energy generation has been reviewed by DPS staff and the Board concurs with this analysis, therefore the Planning Board approves 15 points for energy conservation.



### **Recycling Facility Plan**

The Applicant requests 10 points for providing a recycling facility plan that must satisfy Montgomery County Executive Regulation 15-04AM or Montgomery County Executive Regulation 18-04. Based on review by DPS Recycling and Resource Management Division and the Board's concurrence therewith, the Planning Board approves 10 points for the Recycling Facility Plan.

### **iii. *Division 6: General Development Standards***

#### ***(1) Division 6.1 Site Access***

The existing building provides vehicular access to the parking garage off of Spring Street, which will be maintained by this amendment.

#### ***(2) Division 6.2 Parking, Queuing and Loading***

Vehicular Parking will continue to be provided in the existing above-ground parking structure on-site, which has a capacity of 152 spaces. The parking structure is accessed from Spring Street. Six (6) of the parking spaces will be reserved for drop-off and pick-up of the daycare. It is expected that the majority of these spaces will be used by the daycare patrons who are not employed by United Therapeutics, as most employees will choose to park once and walk their children to the daycare. The remaining spaces will be shared by the employees of the United Therapeutics laboratory space and the daycare.

No changes are proposed to the existing on-site loading facility, and no changes are needed to support the proposed daycare.

#### ***(3) Division 6.3 Open Space and Recreation***

The Project does not propose any residential units, thus recreational facilities are not required. The Project is required to provide 5% of the Site Area as public open space, which will be achieved along the Spring Street frontage between the building and the public right-of-way.

#### ***(4) Division 6.4 General Landscaping and Outdoor lighting***

The existing landscaping is adequate, safe, and efficient. The landscaping along Colesville Road enhances the pedestrian environment and is compatible with the proposed fence.

***e) Satisfies the applicable requirements of:***



**i. *Chapter 19, Erosion, Sediment Control, and Stormwater Management; and***

Stormwater management ("SWM") was previously approved for United Therapeutics 1000 Spring Street by Sediment Control Permit No. 269715, dated August 4, 2015, with corresponding Stormwater Concept approval SM 252053. As part of this Amendment, the existing SWM facilities will remain on site and there will be no impact to existing drainage areas on site. The proposed Amendment does not affect any stormwater management features previously constructed. DPS has acknowledged the existing facilities and does not require additional plans.

**ii. *Chapter 22A, Forest Conservation.***

The Forest Conservation Plans and related variance were previously approved as part of Certified Site Plan No. 820140110 on March 9, 2015. With the current Applications, no major changes to the exterior of the building are proposed and no impact to trees associated with the neighboring historic property are expected; therefore, the Applications maintain compliance with the requirements of Chapter 22A Forest Conservation Law.

**f) *Provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;***

No changes are proposed to the existing vehicular, bicycle, and pedestrian access of the Site, all of which will remain adequate, safe, and efficient. The original Site Plan required the Project to improve the pedestrian circulation along the Site's Colesville Road and Spring Street frontages by widening the pedestrian zone to 25 feet and installing a 5-foot buffer with street trees on Colesville Road and widening to 10 feet with a 5-foot buffer and street trees on Spring and Cameron Streets. The reconstructed sidewalks incorporate the specialty brick paving, as required by the Silver Spring Streetscape Design Standards in effect at the time of the original approval. The Applicant also constructed a mid-block connection on Cameron Street which will remain. This connection benefits both United Therapeutics campus employees, as well as the general public, during daylight hours.

Since the Prior Approvals, separated bicycle lanes have been installed by MCDOT along Spring Street. The Applicant also upgraded the existing bus shelter on Colesville Road by providing a safer location and a more defined queuing area.

- g) Substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;***

The 2000 *Silver Spring CBD Sector Plan* ("Sector Plan") contains several goals that this Project addresses, including the following main themes.

- Transit Oriented Development
- Commercial Development
- Civic Downtown
- Green Downtown
- Pedestrian Friendly downtown

The existing building acts as a prominent gateway feature for those entering the Silver Spring CBD, and the proposed improvements to the daycare play space fronting on Colesville Road will further enhance the gateway. The building itself is energy efficient and is located in walking distance to the Silver Spring Metro Station.

- h) will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;***

As discussed in Preliminary Plan Amendment 12013019A Findings, adequate public facilities exist for the Project.

- i) on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and***

Not applicable, this Property is not zoned Rural Residential or Residential.

- j) on a property in all other zones, is compatible with existing, approved or pending adjacent development.***

The building is an extension of the existing United Therapeutics Campus located at Spring and Cameron Streets, just west of this Site. The existing 90-foot building height is compatible with the multifamily building to the north and the office and hotel buildings abutting and confronting the Site on Colesville Road. The scale, design, and orientation of the building are appropriate relative to the adjacent properties and add architectural character to the area, and do not impact the existing historic building in the vicinity, Montgomery Arms, which is located just to the southwest along Colesville Road.

- 3. To approve a Site Plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.***

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

- 4. For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.***

Not applicable, the Subject Property is not zoned C-1 or C-2.

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 § 59-7.3.4.H; 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 22 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).

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**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner 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, February 10, 2022, in Wheaton, Maryland.



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Casey Anderson, Chair  
Montgomery County Planning Board