



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

MCPB No. 22-011
Sketch Plan No. 320210090
United Therapeutics 1000 Spring Street
Date of Hearing: January 20, 2022

FEB 22 2022

RESOLUTION

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

WHEREAS, on July 28, 2021, United Therapeutics Corporation ("Applicant") filed an application for approval of a sketch plan to supersede a previously approved project Plan and allow a maximum density of 121,724 square feet for existing nonresidential uses on 2.06 acres of CR 3.0, C-30.0 R-2.75 H-90T zoned-land, located at the intersection of Spring Street and Colesville Road ("Subject Property") in the Silver Spring CBD Policy Area and 2000 *Silver Spring CBD Sector Plan* ("Sector Plan") area; and

WHEREAS Applicant's sketch plan application was designated Sketch Plan No. United Therapeutics, 320210090 ("Sketch Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated January 7, 2022, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

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

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

WHEREAS, on 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 Sketch Plan No. 320210090, United Therapeutics 1000 Spring Street, to supersede a previously approved project Plan and allow a maximum density of 121,724 square feet for existing nonresidential uses on the Subject Property, subject to the following binding elements and conditions:¹

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

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

All other elements are illustrative.

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

1. Project Plan 920130060 validity

This Sketch Plan will supersede and invalidate in its entirety the previous Project Plan No. 920130060 for the Property when implemented through issuance of any building permit or Use and Occupancy Certificate or site development permits through the Department of Permitting Services ("DPS").

2. Density

The Sketch Plan is limited to a maximum of 121,724 square feet of total non-residential development.

3. Height

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

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

4. Incentive Density

The development must be constructed with the public benefits listed below unless modifications are made under Section 59.7.3.3.I and this Sketch Plan is amended. Total points must equal at least 100 and be chosen from at least four categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7 and the *CR and Employment Zones Incentive Density Implementation Guidelines (2017)* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

- a) Transit Proximity, achieved through Level 1 transit proximity;
- b) Connectivity and Mobility, achieved by providing fewer than the maximum parking spaces under the Zoning Ordinance;
- c) Quality of Building and Site Design, achieved through architectural elevations, exceptional design, and structured parking; and
- d) Protection and Enhancement of the Natural Environment achieved through the purchase of building lot terminations, energy conservation, energy generation, and a recycling facility plan.

5. Public Open Space

The Applicant must provide a minimum of 5% of the Site Area (67,737 square feet) as Public Open Space, totaling 3,387 square feet.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

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

The Sketch Plan meets the development standards of Section 59.4.5.4, as shown in the following Data Table.

Table 1: United Therapeutics 1000 Spring Street Sketch Plan Data Table for CR Zone, Optional Method, Section 59.4.5

Development Standard	Permitted/ Required	Proposed
Tract Area	n/a	89,766 (2.06)
Prior Dedication	n/a	22,029 (0.51)
Proposed Dedication	n/a	0
Site Area	n/a	67,737 (1.56)
Mapped Density CR-3.0, C-2.0 R-2.75 H-90T		
Residential (GFA/ FAR)	246,857 sf (2.75)	0 (0)
Commercial (GFA/FAR)	179,532 sf (2.0)	121,724 sf (1.35)
Total Mapped Density (GFA/FAR)	269,298 sf (3.0)	121,724 sf (1.35)
Total GFA/FAR		121,724 sf (1.35)
Building Height, max average	90 ft	90 ft
Public Open Space (min sf)	5% ² (3,387 sf)	5% (3,911 sf)

The Project meets the intent of the CR Zone as follows:

a) Implement the recommendations of applicable master plans

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 located in walking distance to the Silver Spring Metro Station.

b) Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses.

The existing building is located on a corner lot with a prominent gateway into Silver Spring CBD and therefore has been designed as a unique structure. The proposed changes to the open space fronting on Colesville Road will further activate the street and enhance the pedestrian environment with a new fence with colorful ribbon.

² For 1.01 to 3.00 acre Tract Area and 2 Existing Frontages.

- c) Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.***

The development does not propose any parking between the building and the street and the proposed daycare will serve as an amenity to the office and laboratory users of the building as well as fulfill a need in the surrounding area.

- d) Allow a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.***

The Project achieves a compatible relationship to surrounding development and adjoining neighborhoods, as many of the surrounding buildings are of a similar height to the existing building. As a commercial building there is no residential density, however the office and laboratory uses within the building provide a mix of uses within the neighborhood which includes many nearby residential buildings.

- e) Integrate an appropriate balance of employment and housing opportunities.***

The Project, as a commercial building with office, laboratory and daycare uses, provides an appropriate balance of employment for many of the residential buildings and neighborhoods in the Silver Spring vicinity.

- f) Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.***

The Project will provide the required 100 public benefit points from a minimum of 4 categories to achieve the desired incentive density above the standard method limit. Final determination of public benefit points will be determined at the time of Site Plan.

2. Substantially conform to the recommendations of the applicable master plan:

As discussed in Finding 1.a above, the Project substantially conforms to the recommendations of the 2000 *Silver Spring CBD Sector Plan*. The Proposal will convert retail and office space in an existing building to a daycare which will serve users of the building and the public. The proposed outdoor play space will provide a fence with artwork that will contribute to and enhance the gateway site for those travelling along Colesville Road into the CBD.

3. Satisfy 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.

4. Under Section 7.7.1.B.5, for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment, satisfy any green area requirement in effect on October 29, 2014; any green area under this provision includes and is not in addition to any open space requirement of the property's zoning on October 30, 2014;

This section is not applicable as this Property was not the result of a Local Map Amendment.

5. Achieve compatible internal and external relationships between existing and pending nearby 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.

6. Provide satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;

Pedestrian and vehicular circulation will be adequate, safe and efficient. The existing building has enhanced the pedestrian circulation by providing wider sidewalks with streetscape along Colesville Road and Spring Street. Vehicles and bicycles will continue to access the Site from the entrance on Spring Street which has separated bicycle lanes on each side. The garage will provide adequate bicycle parking. The building's proximity to the Silver Spring/Marc transit station encourages the use of transit facilities by workers and visitors to the Site.

7. Propose an outline of public benefits that supports the requested incentive density and is appropriate for the specific community;

Taking into account the considerations in Section 59.4.7.1.B, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and

configuration of the Site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the Site.

For the proposed development, the Zoning Ordinance requires 100 points in 4 categories. The Applicant proposes to exceed the 100-point requirement utilizing 4 categories. Although at the time of Sketch Plan review only the categories need be approved, the following table shows both the categories and points for the public benefits requested at Sketch Plan to demonstrate the project's ability to meet the requirement to provide sufficient benefit points.

Table 2: Public Benefit Calculations

Public Benefits	Incentive Density	
	Max Allowed	Requested
59.4.7.3.B: Transit Proximity		
Level 1 between ¼ and ½ mile	30	30
59.4.7.3C: Connectivity and Mobility		
Minimum Parking	10	10
59.4.7.3E: Quality of Building and Site Design		
Architectural Elevations	20	10
Exceptional Design	10	10
Structured Parking	20	10
59.4.7.3.F: Protection and Enhancement of the Natural Environment		
Building Lot Terminations (BLT)	30	1.6
Energy Generation	15	15
Energy Conservation	15	15
Recycling Facility Plan	10	10
TOTAL		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 the subcategory at this time.

Connectivity and Mobility

Minimum Parking

The Applicant requests 10 points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points for providing the maximum allowable number of on-site spaces to 10 points

for providing no more than the minimum numbers of spaces on-site. The Planning Board approves the category at this time.

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 Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, and heights. The Planning Board approves the category at this time with further details and refinement to be provided at the time of Site Plan.

Exceptional Design

The Applicant requested 10 points for retaining the existing building that exemplifies exceptional design and further enhances the pedestrian realm with the addition of the fence and redesigned play space. The Planning Board approves the category at this time, with final review at Site Plan.

Structured Parking

The Applicant requests 10 points for providing structured parking. The Planning Board approves the category at this time.

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. The Planning Board approves the Applicant's request at this time.

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 Planning Board approves the subcategory.

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 Planning Board approves the category at this time with final review of size and location at the time of Site Plan.

Recycling Facility Plan

The Applicant requests 10 points for providing a recycling facility plan to be approved as part of the Site Plan that will satisfy or exceed appropriate Executive Regulations. The Planning Board approves the category at this time with final review of size and location at the time of Site Plan.

- 8. Establish a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.***

The building is already constructed and the modifications approved by the proposed Applications for the day care and the adjacent public use space will be constructed in one phase.

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

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 all binding site development elements shown on the latest version of United Therapeutics 1000 Spring Street, 320210090, received by M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is FEB 22 2022 (which is the date that this Resolution is mailed to all parties of record); and

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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.



Casey Anderson, Chair
Montgomery County Planning Board