

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 23-030  
Site Plan No. 820220250  
Belward Campus - Parcel A & Belward Campus Drive  
Date of Hearing: March 30, 2023

MAY 02 2023

## 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.1, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014, including the zoning then in effect; and

WHEREAS, on June 8, 2022, Trammell Crow Company ("Applicant") filed an application for approval of a site plan to construct three (3) buildings with up to 757,000 square feet of above grade gross floor area for research and development, biotechnology offices, related labs, and 6,000 square feet of above grade gross floor area for a retail pavilion; new public and private roads; three (3) structured parking garages; open space improvements; and related amenities on 66.5 acres of LSC-1.0, H-150T-zoned land, located at 9951 Key West Avenue, Rockville, MD; more specifically on the northern portion of Parcel B, Block C (future Parcel A) including Belward Campus Drive ("Subject Property"), in the R & D Village Policy Area and 2010 *Great Seneca Science Corridor Master Plan* ("Master Plan") area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820220250, Belward Campus - Parcel A and Belward Campus Drive ("Site Plan", "TCC Site 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 March 20, 2023, providing 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/ Allison Myers

M-NCPPC Legal Department

WHEREAS, on March 30, 2023, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Vice Chair Piñero, with a vote of 5-0; Chair Zyontz, Vice Chair Piñero, Commissioners Bartley, Hedrick, and Pedoeem voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820220250 for three (3) buildings for research and development, biotechnology offices, and related labs with up to 757,000 square feet of above-grade gross floor area and 6,000 square feet of above grade gross floor area for a retail pavilion, on the Subject Property, subject to the following conditions:<sup>1</sup>

### **Density & Height**

#### **1. Density**

The Site Plan is limited to a maximum of 757,000<sup>2</sup> square feet of above-grade total non-residential development on the Property for Research and Development ("R&D") and Office<sup>3</sup> uses, and commercial use (such as eating/drinking establishments<sup>4</sup>) as follows:

- a) Building A1 with maximum of 265,392 square feet of gross floor area.
- b) Building A2 with maximum of 192,656 square feet of gross floor area.
- c) Building A4 with maximum of 298,228 square feet of gross floor area.
- d) Commercial Pavilion with a maximum of 6,000 square feet of gross floor area<sup>5</sup>.

#### **2. Height**

The development is limited to the maximum heights below, as measured from the building height measuring point, as illustrated on the Certified Site Plan, and excluding certain encroachments that are allowed under applicable Zoning Ordinance provisions:

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<sup>1</sup> For the purposes of these conditions, the term "Applicant" shall also mean the developer, the owner, lessee, designee, or any successor (s) in interest to the terms of this approval.

<sup>2</sup> The maximum gross floor areas of the individual office buildings may change; however, the overall maximum density is 757,000 square feet.

<sup>3</sup> Maximum allowable office is 40% of gross floor area in the LSC zone under Section 59-C-5.21 Footnote 13 of the Zoning Code in effect on October 29, 2014.

<sup>4</sup> The eating/drinking use space can be changed to other permitted commercial uses if there is no adverse impact on the Site Plan and APF findings and it is approved by Staff.

<sup>5</sup> If the Commercial Pavilion cannot be developed in this approved Phase or concurrent with future Phases of build-out, then a maximum of 6,000 square feet of gross floor area for commercial uses accessible to the general public is permitted on the ground floor(s) of Building A1, Building A2, and/or Building A4, in accordance with Conditions 11(a), 11(b), and 16(f).

- a) Building A1 - 150 feet.
- b) Building A2 - 110 feet.
- c) Building A4 - 100 feet.
- d) Commercial Pavilion - 30 feet.

### **Open Space, Facilities, and Amenities**

#### **3. Public Use Space, Facilities, and Amenities**

- a) The Applicant must provide a minimum of approximately 1,162,025 square feet (approximately 26.67 acres) of public use space (approximately 46.6% of the site) on the Property north of Belward Campus Drive as illustrated on the Certified Site Plan, with any minor deviations due to compliance with MCDOT and DPS conditions of approval, and to be reviewed by Planning Department Staff during the Site Plan Certification.
- b) Before issuance of the Use and Occupancy certificate (excluding core and shell) for the last constructed R&D/Office Building (anticipated to be A2), or whichever comes last in this Site Plan, the Applicant must construct the streetscape improvements, including the undergrounding of existing utilities, along the Property's frontage on Muddy Branch Road included in this Site Plan.
- c) Before issuance of the Use and Occupancy certificate (excluding core and shell) for the last constructed R&D/Office Building (anticipated to be A2), or whichever comes last in this Site Plan, all plantings, and amenities within the public use space areas on the Property included in this Site Plan must be completed, except for Muddy Branch Park.
- d) All landscape buffers between sidewalks and the street and between sidewalks and bikeways shall be provided as shown on the Certified Site Plan.
- e) Before issuance of the Use and Occupancy certificate (excluding core and shell) for the R&D/Office Building A2, the Urban Green (minimum of 0.54 acres with fence or up to 1.06 acres without fence) fronting Road C on the Property, as shown on the Certified Site Plan, must be completed and available for public use.
- f) Prior to clearing and grading for each phase of development, the Applicant must record a Covenant for Public Access, in a form approved by the M-NCPPC Office of the General Counsel, to apply to the required:

- a. Public use spaces and the Muddy Branch Park per the phasing noted in Condition 3(h)(d) and 3(h)(e); and
- b. Urban Green (minimum of 0.54 acres with fence or up to 1.06 acres without fence) as shown on the Certified Site Plan and the Phasing Plan.
- g) A covenant, approved as to form and substance by the M-NCPPC Office of General Counsel, granting public access to each of the two segments of Muddy Branch Park to be constructed with this Site Plan must be recorded prior to final completion of each segment on the Property.
- h) The Applicant must provide, design, and construct the two segments of the Muddy Branch Park ("the Park") north of Belward Campus Drive with a combined total of approximately 6.86 acres (298,821 square feet), as shown on the Certified Site Plan, as follows:
  - a. The final Park design must include flexible lawn areas, terraced seating, passive recreation areas, internal pedestrian pathways including an internal loop, a dedicated rectangular athletic field, trail, seating areas, and substantial planting buffers along the western and eastern sides.
  - b. The Park must include a rectangular athletic field with a minimum dimension of approximately 140 feet by 230 feet for active recreation, or greater if reconfigured per Conditions No. 3(h)(d)(ii) and 3(h)(e)(ii), and to be shown on the Certified Site Plan.
  - c. The final Park programming must include a focal point in the design that commemorates the former Black Gum tree which was uniquely recognizable and had a long-standing presence on the campus, as recommended by the Master Plan.
  - d. Muddy Branch Park, north portion/phase 1 (north of Road B-3):
    - i. The required approximately 2.40 acres (104,596 square feet) of open space must be provided north of the private Road B-3 connecting to Muddy Branch Road and adjoining the Mission Hills community.
    - ii. The draft schematic design must be finalized within six (6) months of the approval of the Certified Site Plan for this Site Plan. The final schematic design must be substantially similar to the preliminary schematic design required in the Certified

Site Plan, as determined by Staff, or a Minor Site Plan amendment shall be filed.

- iii. Construction of the northern portion of the Park must be substantially completed as certified by the Applicant's landscape architect before the issuance of a Use and Occupancy certificate for the first building constructed under this Site Plan.
- e. Muddy Branch Park, south portion/phase 2 (north of Belward Campus Drive and south of Road B-3):
  - i. The required approximately 4.46 acres (194,548 square feet) of open space must be provided south of Road B-3, north and directly adjoining the northern edge of Belward Campus Drive.
  - ii. The draft schematic design must be finalized within six (6) months of the approval of the Certified Site Plan for this Site Plan. The final schematic design must be substantially similar to the preliminary schematic design required in the Certified Site Plan, as determined by Staff, or a Minor Site Plan amendment shall be filed.
  - iii. Construction of the southern portion of the Park must be substantially completed as certified by the Applicant's landscape architect before the issuance of a Use and Occupancy certificate for the third building constructed under this Site Plan.
- i) At the time of Site Plan Certification, the plan set must include the draft schematic design of the northern and southern portions of Muddy Branch Park as shown on this Site Plan, which will be finalized within six (6) months of Certified Site Plan approval in accordance with Conditions No. 3(h)(d)(ii) and 3(h)(e)(ii) above.
- j) Publicly accessible restrooms must be made available within the ground floor of the nearest office building or retail pavilion as shown on the Certified Site Plan.

#### 4. Recreation Facilities

The Applicant must provide the required recreation facilities as shown on the Certified Site Plan (CSP), including the trail and athletic fields. The CSP must include an exhibit delineating location, detail, and timing for installation of

recreation facilities, where appropriate, in a manner that is clear and corresponds to the posted surety and maintenance agreement.

**5. Maintenance of Public Amenities**

The Applicant is responsible for maintaining all publicly accessible amenities throughout the Site including, but not limited to pedestrian scale lighting, athletic fields and equipment, picnic/eating tables, dining chairs, benches, garage green wall, transit shelters, and specialty pavement. Furniture may be replaced or reconfigured, with like equivalents, without requiring a Site Plan amendment.

**Environment**

**6. Stormwater Management**

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept letter (SM File No. 239332) dated February 28, 2023 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations 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.

**Transportation & Circulation**

**7. Transportation**

- a) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated March 1, 2023 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.
- b) The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated March 17, 2023 and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary and Site Plan approvals.
- c) Before the issuance of any building permit, the Applicant must obtain approval of a Traffic Mitigation Agreement with the Planning Board and the Montgomery County Department of Transportation (MCDOT).

- d) The Certified Site Plan must reflect a revised roadway design for Belward Campus Drive that satisfies Section 50.4.3.E.2.g., "Horizontal Alignment" of the Subdivision Regulations.
- e) The grade and material of the Muddy Branch sidewalk and bicycle facilities must be maintained such that the sidewalk and bicycle facilities cross Road B-3 in a flush condition, subject to approval by Montgomery County DPS Right-of-Way.
- f) A portion of Belward Campus Drive must be under construction at the time of the issuance of the second building permit of the three approved buildings in this Site Plan Application, or Building A4, whichever comes first.
- g) Belward Campus Drive shall be fully constructed and open to traffic, as shown on the Certified Site Plan, prior to any subsequent Site Plan Application associated with additional development north or south of Belward Campus Drive.
- h) Prior to issuance of the first Use and Occupancy certificate (excluding core and shell) for this Site Plan, anticipated to be Building A1, or the opening of Belward Campus Drive, whichever comes first, and subject to any necessary approvals or consent from the Maryland State Highway Administration, two (2) new traffic signals and related pedestrian improvements at the Muddy Branch Road and Belward Campus Drive intersection and Key West (MD 28) and John Hopkins Drive/PSTA Site intersection must be installed by the Applicant and operational.
- i) The extension of Private Road D with the 10-foot-wide sidepath must be provided with the next development application for the area north of Belward Campus Drive and will require a subsequent Site Plan Amendment.
- j) The extension of the Life Sciences Loop Trail for the Muddy Branch frontage south of Belward Campus Drive must be constructed with the Site Plan Application with corresponding frontage.
- k) The continuation of the internal pathway system within Muddy Branch Park, not part of this Site Plan, must be constructed at the time of the subsequent development Application for the Park south of Belward Campus Drive. The Park's pathways must provide interconnectivity with natural surface trails through the forest conservation areas on the Overall Site as illustrated on the Final Forest Conservation Plan.

8. Private Roads

The Applicant must provide Private Roads A, B3, B4, C, and a portion of D, including any sidewalks, sidepaths, bikeways, storm drainage facilities, street

trees, streetlights, private utility systems and other necessary improvements as required by either the Preliminary Plan or the Site Plan within the delineated private road area (collectively, the "Private Roads"), subject to the following conditions:

- a) The record plat must show the Private Roads in a Public Use Easement. The record plat must clearly delineate the Private Roads and include a metes and bounds description of the boundaries of the Private Roads.
- b) The Private Roads must be subjected by reference on the plat to the Declaration of Restrictive Covenant for Private Roads recorded among the Land Records of Montgomery County, Maryland in Book 54062 at Page 338, and the terms and conditions in the Montgomery County Code § 50-4.3.E et seq regarding private roads. The Covenant includes, but is not limited to the following requirements/conditions:
  - i. The Applicant, at its expense, shall design, construct, and maintain the Private Roads.
  - ii. The Applicant, at its sole cost and expense, shall properly and continually maintain (including ordinary and capital maintenance and removal of snow, ice, litter, and other obstructions and hazards as soon as conditions reasonably allow), repair, and replace any portion of the Private Roads and all improvements located within the Private Roads, in good condition and repair for safe use and operation of the Private Road. The Applicant must maintain a commercially reasonable budget (operating and capital, as applicable) to address both short-term and long-term maintenance, and reserves for capital repairs. The Applicant must provide certification of the reserves to the Planning Board or its Staff every five (5) years, given that there are no below-ground parking structures in the Private Roads. The reserves must be adequate to cover the costs of needed repairs.
  - iii. The Applicant must post and retain signage to notify the public that the Private Roads are not publicly maintained and to provide contact information to handle complaints, concerns, or questions regarding the Private Roads.
- c) Before issuance of the first building permit for this Site Plan, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the Private Roads have been designed and the applicable building permits will provide for construction in accordance with the paving detail and cross-section specifications required by the Montgomery County Road Code, as may be modified on this Site Plan, and that the road has been designed for safe



use including horizontal and vertical alignments for the intended target speed, adequate typical section(s) for vehicles/pedestrians/bicyclists, ADA compliance, drainage facilities, sight distances, points of access and parking, and all necessary requirements for emergency access, egress, and apparatus as required by the Montgomery County Fire Marshal.

**9. Pedestrian & Bicycle Circulation**

- a) The Applicant must provide 85 long-term and 15 short-term bicycle parking spaces associated with the three (3) R&D/office buildings that are approved by this Site Plan.
- b) The Applicant must provide an additional 15 short-term bicycle parking spaces associated with the Commercial Pavilion.
- c) The long-term spaces must be in a secured, well-lit bicycle rooms in the buildings, parking garages or secure parking areas for the Project, and the short-term spaces must be inverted-U racks (or approved equal) installed along both the commercial building's frontage and in a location convenient to the main R&D building entrances (weather protected preferred). The specific locations of the short-term bicycle racks must be identified on the Certified Site Plan.
- d) The Applicant must provide the following master planned pedestrian and bicycle facilities, in the exact location, design and construction of which must comply with requirements of the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations, with the corresponding right-of-way/access permit(s):
  - i. Muddy Branch Road frontage: In conjunction with the construction of each segment of Muddy Branch Park located north of Belward Campus Drive, construct the 16-foot-wide tree panel, 10-foot-wide Life Sciences Loop (LSC) Trail, 6-foot-wide bike buffer, and 10-foot-wide two-way separated bike lanes.
  - ii. Belward Campus Drive: Prior to the issuance of the Use and Occupancy certificate(s) (excluding core and shell) for the second building permit of the three approved buildings in this Site Plan Application or Building A4, whichever comes first, construct the road with sidewalks, trails, floating bus stop, and associated amenities, as shown on the certified Site Plan, and in accordance with the LSC Loop Trail Design Guidelines as follows:
    - a. North side of median: 10-foot-wide sidewalk, 7.5-foot-wide tree panel, 6.5-foot-wide separated bike lane, and 6-foot-wide street buffer.

- b. South side of median: 10-foot-wide Life Sciences Center (LSC) Loop Trail, 7.5-foot-wide tree panel, 6.5-foot-wide separated bike lane, and 6-foot-wide street buffer.
- iii. Road A: Prior to the issuance of the Use and Occupancy certificate(s) (excluding core and shell) for Building A4 or A1, whichever comes first and is applicable to the road segment on the Phasing Plan, construct the road with 8-foot-wide sidewalks, 9-foot-wide tree panel on the north side and 9-foot-wide<sup>6</sup> up to 17-foot-wide tree panels on the south side of the street, as shown on this Certified Site Plan.
- iv. Road B-3 (east/west): Prior to the issuance of the Use and Occupancy certificate (excluding core and shell) for Building A4, construct the road with a 6-foot-wide sidewalk with 10-foot-wide green buffer from traffic on the south side and 8-foot-wide sidewalk and 11-foot-wide green buffer to the north side of the street, as shown on this Certified Site Plan.
- v. Road B-3 (north/south): Prior to the issuance of the Use and Occupancy certificate (excluding core and shell) for Building A4, construct the road with a 12-foot-wide sidewalk with an 11-foot-wide green buffer on the western side and a 6-foot-wide sidewalk and a 10-foot-wide green buffer on the eastern side of the street, as shown on this Certified Site Plan.
- vi. Road B-4 Extension: In conjunction with the construction of Belward Campus Drive, construct the road section layout as approved in the Johns Hopkins Medical Office Building Site Plan No. 820210120, and as shown on this Certified Site Plan.
- vii. Road C: Prior to the issuance of the Use and Occupancy certificate(s) (excluding core and shell) for Building A1 or A2, whichever comes first and is applicable to the road segment on the Phasing Plan, construct the sidewalks of varying widths between 6-feet to 8-feet-wide and 9-foot-wide tree panels, where applicable as shown on this Certified Site Plan.
- viii. Portion of Road D: Prior to the issuance of the Use and Occupancy certificate (excluding core and shell) for Building A1, construct the road with a 6-foot-wide<sup>7</sup> sidewalk and 17-foot-wide tree panel on the west side and a 10-foot-wide sidewalk/bike path and 9-foot-wide tree panel on the east side of the street, where applicable as shown on this Certified Site Plan.

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<sup>6</sup> Portions of the 9-foot-wide sidewalk on Road A provided on the south side are provided outside of the private right-of-way.

<sup>7</sup> The 6-foot-wide sidewalk on Road D provided on the west side is provided outside of the private right-of-way.

- ix. Design the following Protected Intersections subject to approval from the Right-of-Way Division and the Fire Department Access and Water Supply Division of the Montgomery County Department of Permitting Services, the Montgomery County Department of Transportation, prior to obtaining the corresponding right-of-way/access permit(s):
  - a. Belward Campus Drive and Road B-3
  - b. Belward Campus Drive and Road C
  - c. Muddy Branch Road and Road B-3
  - d. Muddy Branch Road and Belward Campus Drive

10. 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 March 16, 2023, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

**Site Plan**

11. Site Design

- a) Any relocation of up to 6,000 square feet of commercial use from the Commercial Pavilion into the ground-floor of the buildings within this Application must be accessible to the public, have safe and efficient pedestrian access and vehicular circulation, and meet requirements for loading and parking; otherwise, a Site Plan amendment will be required.
- b) Any commercial uses in this development that are accessible to the public must not be located within security zones, not including private commercial amenities as shown on the Certified Site Plan.
- c) The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheets A1-110, A1-111, A2-108, A2-109, A4-109, A4-110, P1-106, P2-105, of the submitted architectural drawings, as determined by M-NCPPC Staff.
- d) Solar arrays must be constructed with the parking structures P1 and P1 Extension, as shown on the Certified Site Plan.
- e) Transformer/utilities screening and trash enclosures for the buildings must be architecturally compatible with the principal building structures and convey a coordinated design. Any changes must be substantially consistent

with the maximum height and opaque nature of the screening panels as shown on the Certified Site Plan.

- f) Monument signs proposed on the Site must be architecturally compatible with the principal building structures with a coordinated design as shown at the locations on the Certified Site Plan, and as approved by DPS.
- g) Tree spacing on roads will be determined by DPS under the following guidance and subject to final approval by DPS:
  - a. Public
    - i. Major native species trees should be planted with a maximum spacing of 40 feet on center;
    - ii. Minor native species trees should be planted with a maximum spacing of 25 feet on center.
  - b. Private
    - i. Major native species trees should be planted with a maximum spacing of 30 to 35 feet on center.
- h) Site design under future Applications must examine ways to prominently integrate sustainability with the design of buildings.
- i) Site design under future Applications must re-examine the alignment of the remaining portion of proposed Road D to reduce sweeping curves.

#### **12. Accessory Structures**

- a) The maximum height of the Clearvu perimeter fencing or equivalent product with transparency, with the alignment shown on the Certified Site Plan with improvements interior to Road C, shall comply with the maximum height permitted in the zone and as approved by DPS.
- b) The accessory security building and Clearvu perimeter fencing (or equivalent product with transparency) shown on the Certified Site Plan, with the alignment shown on the Certified Site Plan with improvements interior to Road C, shall only be constructed if leases are entered into between the Applicant (or their Designee) and with a tenant that requires these security elements.
- c) A minor Site Plan amendment must be filed for any future changes of the approved location of the security pavilion, Clearvu perimeter fence or equivalent product with transparency, and gate, associated with the alignment shown on the Certified Site Plan with improvements interior to Road C.

### 13. Lighting

- a) Before 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).
- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on all proposed fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by streetlights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

### 14. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit, sediment control permit, grading, or Use and Occupancy Certificate (excluding core and shell), whichever comes first, 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, indoor and outdoor recreational facilities, site furniture, trash enclosures, screening panels, retaining walls, fences and gates, bollards, railings, building entrance features, security kiosks/guard shack, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and streetlights. 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.

**15. Development Program**

- a) The Applicant must construct the development in accordance with a development program table that will be reviewed and approved before the approval of the Certified Site Plan.
- b) Prior to the issuance of the Use and Occupancy permit for the last building of the three buildings approved in this Site Plan Application, the Applicant must either (i) construct the Commercial Pavilion as indicated on the Certified Site Plan; or (ii), in the event that up to 6,000 square feet of retail uses are to be relocated from the Commercial Pavilion into the ground floor of the buildings in accordance with Condition 11(a), construct the alternate conditions for the Commercial Pavilion area that will be shown on the plan required at Certified Site Plan per Condition 16(f).
- c) The associated parking garages (P1, P1 extension, and P2) and related improvements, such as screening, may be constructed incrementally or in subphases as shown on the Phasing Plan approved with the Site Plan.
- d) Future developments north of Belward Campus Drive must be an amendment to the Subject Site Plan within the Overall Site, rather than a new site plan, for continuity with requirements of the subject approval.

**16. 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, relevant Resolutions and any other applicable letters on the approval or cover sheet(s).
- b) Add the following notes:
  - i. "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
  - ii. "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.”

- iii. “The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur before any site development work commencement and before any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times.”
- iv. “Final Design and Alignment of Belward Campus Drive, including protected intersections, are subject to review and approval by DPS at the time of Engineered construction plans and permitting.”
- v. “This Site Plan does not include approval for any roadways shown in future phases.”
- vi. “Flexibility may be permitted for minor changes to plant material, hardscape, light fixtures, ROW requirements, and other site plan elements on the Certified Site Plan, that do not alter conditions or findings.”
- vii. “No fences shall be placed around the master-planned Urban Green or open spaces recommended by the Master Plan for public use.”
- c) Fire and Rescue Access plan should be included in the Certified Site Plan.
- d) Modify data table to reflect development standards approved by the Planning Board including the building height of accessory structures.
- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) The Certified Site Plan must provide a plan showing the condition of the Commercial Pavilion area if not constructed. In the interim, the Commercial Pavilion area must be graded and seeded. Hardscape materials, including but not limited to seating and tables, shall be provided to assist with activation.
- g) Provide details of the exact location and treatment of screening materials for the loading area along Road B3.
- h) Provide the following revisions for the parking garage P2:

- a. Design the western façade of the parking garage to relate architecturally to the other buildings on the Site by adding vertical and horizontal architectural elements to further articulate the façade and meet the required minimum of 50% of ground floor screening facing the public use space (Muddy Branch Park).
  - b. Provide a clear, vertical focal element to terminate the view entering the site from Muddy Branch Road.
  - c. Provide screening with an artistic element to hide the parking on the eastern façade and meet the required minimum of 50% of ground floor screening facing the public use space (stream valley buffer area).
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- i) Quantify the square footage of commercial uses shown on the ground floor of buildings and show in a future phase in association with a Preliminary Plan amendment, if applicable.
  - j) Revise the Site Plan to include a table that quantifies tree canopy coverage and proposed locations in this Application towards the 30% requirement within the Belward District.
  - k) To better integrate with the abutting open space and soften the hardscape, additional landscaping elements such as evergreen shrubs with additional height (min. 3 feet) must be provided alongside the ClearVu perimeter fencing (or equivalent product with transparency) associated with Building A2 and improvements interior to Road C.
  - l) Provide additional tree plantings at the southeastern corner of the Park to provide additional screening between park users and the highly visible loading area on Road B3.
  - m) Clarify details on the lighting plan including identifying any wall mounted fixtures at lobby entrances of the buildings, as applicable.
  - n) Clearly delineate the approximately 7-acre environmental setting for the historic house outside of the Site Plan boundary on the vicinity exhibit.
  - o) Where fitness trail is referenced, provide associated equipment stations, or revise to trail.
  - p) Revise the road cross section for Road C to remove the public utility easement (PUE) shown.
  - q) Include the updated acreage breakouts of the Muddy Branch Park (north and south section) and the Urban Green (with and without the fence).



BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Belward Campus - Parcel A Site Plan No. 820220250, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, March 20, 2023, 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 presented at the hearing and/or as 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:

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.*

Neither a development plan, diagrammatic plan, schematic development plan, nor a project plan were required for the 66.5-acre Subject Property or the 107-acre Overall Site.

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.*

Under the 2004 Zoning Ordinance in effect on October 29, 2014, the Life Sciences Center (LSC) Zone is one of several Industrial Zones. The primary purpose of the LSC Zone is to promote research, academic, and clinical facilities that advance the life sciences, health care services, and applied technologies. The uses are allowed in the LSC Zone and the Site Plan fulfills the purposes of the zone and the Application complies with the LSC Zone development standards per Section 59-C-5.3 of the Zoning Ordinance in effect on October 29, 2014. The Project was reviewed for compliance with the dimensional requirements as applicable per the Zoning Ordinance standards and requirements of the LSC zone. As shown in Table 1, the development meets all the dimensional requirements for area, frontage, width, and setbacks in the zones and accommodate the use.

**Table 1: Development Standards in the LSC Zone  
(prior to October 30, 2014)**

	<b>Required/Permitted</b>	<b>Approved</b>
<b>Site</b>		
Gross Tract Area	N/A	107.27 acres
Net Lot Area (Entire Site)	N/A	4,672,681.2 square feet
Net Lot Area (Phase II – TCC Site Plan)	N/A	2,897,168 square feet (66.52 acres)
Off-Site		71,998 square feet (1.65 acres)
Dedications		329,678 square feet (7.57 acres)
Net Lot Area (Phase II – TCC Site Plan)		2,495,942 square feet (57.30 acres)
Maximum Density of Development (Overall Site per Preliminary Plan approval) <i>Sec. 59-C-5.321</i>	1.0/ 4,737,777 square feet	0.30/ 1,410,000 square feet
Maximum Density of Development (TCC Site Plan) <i>Sec. 59-C-5.321</i>		757,000 square feet (0.54 FAR)
R&D & Office		751,000 square feet
Commercial (Eating & Drinking)		6,000 square feet
Public Use Space (min.) <i>Sec. 59-C-5.32</i>	839,800 square feet / 20% <sup>8</sup> (% of Overall Site)	1,162,025 square feet <sup>9</sup> (26.67 acres) (Subject Property)
Lot Coverage (max.)	N/A	320,536 sf. / 12.8%
Lot Dimensions (min.)		
Building Height (max.) <i>Sec. 59-C-5.31</i>	50 ft. to 150 ft.	100 to 150 feet
Building A1		150 feet
Building A2		110 feet
Building A4		100 feet
Commercial Pavilion		30 feet
Principal Building Setbacks (min.)		
Front setback from public street	N/A	± 12 feet
Side street setback	N/A	± 375 feet
Side setback	N/A	± 406 feet
Rear setback	N/A	± 327 feet
Accessory Building Height (max.)		20 feet
Accessory Building Setbacks (min.)		
Front setback, behind front building line	N/A	± 215 feet
Side street setback	N/A	± 1,018 feet
Side setback	N/A	± 1,071 feet
Rear setback	N/A	± 1,000 feet

<sup>8</sup> Per Preliminary Plan Amendment No. 11996110A, public use space is based on Net Tract Area.

<sup>9</sup> Not including the public use space previously approved in the JHU Medical Office Building Phase I Site Plan No. 820210120.

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

The layout of the development north of Belward Campus Drive and the R&D buildings are in substantial conformance with the character of the Life Science Center envisioned by the 2010 *Great Seneca Science Corridor Master Plan* ("GSSC Master Plan" or "Master Plan"). The public use spaces, landscaping, street trees, lighting, and other site amenities adequately and efficiently address the needs of the uses and the recommendations of the Master Plan. The Site Plan also considers the location of future buildings, parking structures, and the remainder of Muddy Branch Park to produce efficient circulation throughout the Site.

#### *Public Use Space and Site Amenities*

The Applicant is providing Public Use Space, with various amenities, based on requirements for building types within the LSC zone per Section 59-C-5.32 of the Zoning Code in effect on October 29, 2014, and based on a recommendation of public use space within the Master Plan.

#### *Building Massing and Architecture*

In keeping with the character of the surrounding neighborhood, architectural plans for the Subject Property address key features such as building placement, building fenestration, prominent entryways, and buffered pedestrian walkways. Along Belward Campus Drive and other roads, the buildings have been pulled up to the street. From an architectural standpoint, the position of the buildings on the Subject Property, its massing, and material articulations are all designed to complement the Belward farmhouse and outbuildings.

### **Transportation and Circulation**

#### *Local Area Transportation Review*

Preliminary Plan No. 11996110A amended the originally requested density for the Campus. To date, the Planning Board has approved a total density of 1,800,000 square feet, including a maximum of 126,200 gross square feet (117,140 net square feet) for a surgery and outpatient building on the area to the southeast of the Subject Site Plan application. The Subject Application remains within the previously approved density, as amended, for the Johns Hopkins Belward Research Campus; therefore, no additional transportation analysis is required. The trip generation for this Project for three (3) R&D/office buildings is not expected to exceed the trips from the original approval. Future Site Plan

applications that exceed the approved density will require additional traffic analysis and a new Adequate Public Facilities ("APF") finding for transportation.

*Vehicular Access and Circulation*

Vehicular access for the three (3) buildings will be provided via a network of new public and private roads. These roads extend from the existing Muddy Branch Road along the western edge of the Property towards the central portion of the Site.

Belward Campus Drive is the primary west to east spine that will provide connectivity into the abutting developments and life science/medical uses to the east of the Overall Site. Additionally, the construction of the remaining portion of Private Road B-4 will achieve connectivity and access points from Darnestown Road, moving northwards through the Site.

Additionally, the Site Plan includes a modified alignment for Road A that provides a more direct street grid and a secondary west-to-east connection that parallels Belward Campus Drive. By eliminating the previous sweeping curve, Private Road A now provides a safer design, reduces the block length, and promotes convenient pedestrian activity.

The required off-street parking will be provided within multi-level structured garages (P1, P1 extended, and P2) as recommended by the Master Plan. The structured garages with adequate screening, in this phase and additional structures in future Site Plans, are intended to provide adequate parking without dominating the streetscape. The Project is in line with the general site access requirements such as reducing conflicts between vehicular and non-motorized travel along public and private roads and allowing vehicles to safely enter and exit on-street and garage parking areas.

*Parking, Queuing, and Loading*

Vehicular Parking and Loading

The intent of the vehicle and bicycle parking, queuing, and loading requirements is to ensure that adequate parking is provided in a safe and efficient manner. The total number of parking spaces in the surface parking areas meet the requirement per the current 2014 Zoning Ordinance, as permitted by Section 59-7.7.1.B.3.b, by providing a total of 2,005 off-street vehicle spaces across three (3) structured garages.

The off-street parking provided is appropriate for the nature of the use and intensity and is easily accessible from the abutting roads. The Site Plan represents the goal of the Master Plan to provide parking within structured

garages to support more compact development that shifts away from an auto-oriented design. Additional parking structures are anticipated in future phases, on some open areas to be graded and seeded in the interim, to support additional development on the northern parcel.

The Applicant will also provide a total of 74 on-street vehicle parking spaces throughout the Site along the private roads to support short-term usage and the commercial pavilion.

Off-street loading docks will be near the intersection of Belward Campus Drive and Road B3 for Building A4 and along Road D for Building A2. Both loading areas meet the requirements set forth in Section 59-E-1.4 of the Zoning Ordinance in effect on October 29, 2014.

**Table 2: Required Parking and Loading**

<b>Parking<sup>10</sup> (Sec. 59-6.2.4)</b>	<b>Required/Permitted</b>	<b>Approved</b>
<b>Standard Vehicle Spaces</b>		
<b>R&amp;D</b>		
Min. 1 space per 1,000 sf. GFA;		
Max. 3 spaces per 1,000 sf. GFA		
P1 for Bldg. A1 (266,450 sf.)	266 (min.); 800 (max)	697 spaces
P1 Exp. for Bldg. A2 (191,600 sf.)	192 (min.); 575 (max.)	547 spaces
P2 for Bldg. A4 (292,950 sf.)	293 (min.); 879 (max.)	761 spaces
<b>Commercial (eating &amp; drinking)</b>		
Min. 4 spaces per 1,000 sf. patron space;	24 (min.)	35 spaces (on-street)
Max. 12 spaces per 1,000 sf. patron space	72 (max.)	(74 total for on-street)
<b>Motorcycle Spaces</b>		41 spaces
<b>Car Sharing Spaces</b>		5 spaces
<b>Electric Vehicle Spaces</b>		
1 for every 100 parking spaces		21 spaces
<b>Loading (office)</b>		
25,001 – 250,000 sf. (Bldgs. A1 & A2)	1 space	4 spaces (Bldg. A1)
250,001 – 500,000 sf. (Bldg. A4)	2 spaces	3 spaces (Bldg. A2) 4 spaces (Bldg. A4)
<b>Bicycle Parking</b>		
Life Science R&D – 1 per 5,000 sf. of GFA	R&D/Office – 100 spaces (85% long-term)	15 short-term; 85 long-term
Commercial - 1 per 10,000 sf. of GFA	Commercial – 1 space (15% long-term)	15 short-term

<sup>10</sup> According to Section 7.7.1.B.3.b of the current Zoning Ordinance, “An applicant may apply to amend the parking requirements of a previously approved application (listed in Section 7.7.1.B.1 or 7.7.1.B.2) in a manner that satisfies the parking requirements of Section 6.2.3 and Section 6.2.4.”

### Bicycle Parking

The Site Plan is subject to Section 59-6.2.4.C and Section 59-6.2.6. of the current 2014 Zoning Ordinance for long-term and short-term bicycle parking. The Property requires 85 long-term bike spaces which will be located within structured parking garages and 30 short-term bike spaces which will be dispersed throughout the Site and located in a highly visible areas at building entrances and. Future Site Plan(s) must include additional required bicycle parking.

### *Pedestrian and Bike Access and Circulation*

The 2018 *Bicycle Master Plan* identifies a sidepath along the Applicant's western frontage of Muddy Branch Road. The Applicant will construct the ten-foot wide LSC Loop Trail, two-way separated bicycle lanes, and street buffer along the Property's Muddy Branch Road frontage. These facilities will also extend through Belward Campus Drive. The extension of the bicycle lane and Loop Trail south of Belward Campus Drive to Darnestown Road under future phases. Conventional striped bike lanes which are currently located along Darnestown Road will be maintained.

Per the Bicycle Master Plan, separated bikeways are the default facility for new Business Streets in the LSC Zone on streets that do not have specific recommendations and therefore, are recommended along both sides of the streets. The Bicycle Master Plan identifies separated bikeways along both sides of Decoverly Drive Extended and will be built in conjunction with the future construction of the roadway as part of future phases.

Walking paths and pedestrian crossings will be constructed throughout the Site to facilitate safe travel via walking and to board high frequency transit. The Application will construct sidewalks along all new roads, sidepaths along the Muddy Branch Road frontage, and walking paths throughout Muddy Branch Park. These improvements will dovetail into future sidewalks and walking paths improvements anticipated south of Belward Campus Drive.

### *Transit*

The Subject Property is serviced by Montgomery County Ride On with existing bus stops located within a ¼ mile of the Property along Darnestown Road and Muddy Branch Road. The 2010 GSSC Master Plan envisioned the now obsolete alignment of the Corridor Cities Transitway (CCT) planned along the northern frontage of the Subject Property, with the route planned to provide service along Decoverly Drive Extended (Belward Campus Drive). The 2022 *Corridor Forward*:

*I-270 Transit Plan* envisions a future bus rapid transit stop planned along Decoverly Drive Extended, adjacent to the historic Belward Farm.

Overall, through compliance with requested plan amendments via the conditions of approval, the Site Plan will provide safe, well-integrated parking, vehicular and pedestrian circulation patterns, open spaces, site amenities and building massing/architecture.

*General Landscaping and Outdoor Lighting*

Section 59-E.2.6 and Section 59-E.2.7 of the Zoning Ordinance in effect on October 29, 2014 provide minimum standards for quantity, size, location, and installation of landscaping and outdoor lighting on private property. The landscaping and lighting satisfy all applicable design guidelines and streetscape standards. All trees and plant materials meet the minimum required caliper and height at the time of planting, and some of the site landscaping elements contribute to stormwater management measures (where approved by MCDPS). The Application will install light fixtures throughout the Site in the form of streetlighting and pedestrian scale lighting that have shielded light fixtures spaced and oriented to reduce light glare. As conditioned, additional adjustments must be made prior to certification of the Site Plan to ensure lighting levels adequately illuminate the sidewalks, walkways, and bikeways, and building wall packs are shown. Revisions must address adequate lighting of bicycle facilities as outlined in the 2018 Bicycle Design Toolkit.

Overall, through the conditions of approval addressed, the Site Plan meets the intent of these general development requirements and will not have adverse impacts on the existing community character but will enhance safety through adequate illumination within the Site.

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

The development is in substantial conformance with the recommendations of the GSSC Master Plan, as well as compatible with the adjacent and confronting uses and pending developments.

Master Plan Compliance

The Site Plan substantially conforms to the recommendations within the 2010 GSSC Master Plan as outlined below. Further, as development implemented through a previously approved and valid Preliminary Plan with a valid determination of adequate public facilities, the Project is not subject to the Master Plan's staging requirements since the 3.7 million square feet of

development in the pipeline is not subject to the Plan's staging requirements unless a project's Preliminary Plan expires.

#### Land Use

The GSSC Master Plan lays out both general recommendations for the plan area and specific recommendations for the Belward Campus. Per the Master Plan recommendation, the Overall Site was previously rezoned to the Life Sciences Center (LSC) zoning district, one of the County's several employment zones that permit non-residential uses including office, technology, and general commercial uses with limited residential use at varying densities and heights. The Site Plan includes non-residential uses that will be centered around activated open spaces and pedestrian, bicycle, and transit improvements that carry over onto the Overall Site. Remaining areas for substantial buildout include areas to the north and south of Belward Campus Drive, including the approved surface parking lot associated with the JHU Medical Office Building. As future R&D, labs, and biotechnology development unfolds, the Belward open space network will continue to expand, and the edges of the Overall Site will have non-motorized facilities that provide connectivity to adjacent sites that are either existing or to be constructed. As the Overall Site, including the Subject Application Site, progresses towards maximizing its full development potential, a more compact layout can be realized. At this stage, the Site Plan substantially conforms to the vision of the GSSC Master Plan and contemplates major elements of the plan vision, while also complying with the requirements of the zoning district.

Further, this Site Plan provides clarification of the Master Plan and Amended Preliminary Plan approval regarding the anticipation of commercial use (eating/drinking establishment) on the Subject Property that are within the existing trip generation of the existing APF finding for transportation. The commercial use must not exceed the previous level of anticipated person trips under the existing approved density. The Amended Preliminary Plan Resolution MCPB No. 11-72 findings also notes that "Retail, service, and restaurant uses will be needed within these buildings to accommodate the needs of employees and visitors." The Master Plan contemplated an interaction between activated open spaces and commercial offerings within the Belward District by stating that the "Urban Square at the CCT Station is envisioned as a hub of daily activity with space for special events and gatherings and some community retail for the convenience of CCT riders, workers, and area residents." (page 43). Therefore, the commercial pavilion for eating/drinking aims to bring the Plan's vision into fruition.

#### Density and Building Height

The approved density and building heights are consistent with the GSSC Master Plan's recommendations. The principal use R&D buildings range in height



between a maximum of 100 feet and 150 feet, which is within the 150-foot height limit, and the Project's overall density is within the Master Plan's density recommendations. The structured parking garages have also been designed to work with the Property's grade to minimize heights.

#### Open Space and Pathways

The GSSC Master Plan recommends a series of open spaces provided in new development projects to provide recreational facilities, open spaces, and trail connections that shape the public realm and to serve existing and future employees and residents. The Master Plan's open space intent for the Belward District is as follows (page 43): *"The open space system for the Belward District includes an extensive network of passive and active recreation linked by an internal path system with connections to the LSC Loop and the surrounding communities. By concentrating density in a compact form (with a limited amount of taller buildings and parking garages), substantial amounts of open space can be created. Placing parks and open spaces around the edges of Belward provides compatible transitions and buffers for the adjacent single-family neighborhoods."*

Additionally, the Master Plan states that the open space system will include: 1) an extensive open space network on the Belward property with a variety of passive, active, and cultural experiences; 2) the completion of the Muddy Branch Trail Corridor along the western edge of the Belward property; 3) Mission Hills Preserve, which will create a 200-foot-wide buffer between the rear property line of the nearest Mission Hills homes and any buildings on the northern side of Belward; and 4) a 100-foot-wide stream buffer on either side of the two tributaries of the Muddy Branch. The Master Plan lists the following areas within the Belward District to be public open spaces: a) LSC Loop, b) Stream buffers that may include natural surface trails, c) Belward Farm environmental setting, and d) Urban Square at the CCT station.

The Site Plan must comply with the Preliminary Plan for 14.87 acres towards the Muddy Branch Park. In accordance with the Master Plan requirements and conditions of the Preliminary Plan, the redevelopment of the 107-acre Belward tract must provide a minimum of 20%, or 839,800 square feet, of the Overall Site for public use space. The JHU MOB Site Plan No. 820210120 approval included roughly 9% of the 20% or 75,851 square feet of public use space. The Subject Application includes 1,162,025 square feet (26.67 acres) of on-site public use space north of Belward Campus Drive that includes the overlapping protected Forest Conservation Areas, the stream valley buffer area, the 200-foot-wide Mission Hills preserve, and the Muddy Branch Park with amenities.

The GSSC Master Plan recommends that an Urban Square is located at the CCT station to serve as a hub of daily activity and for special events (pg. 43-46). While

approved for construction with this Application, the Site Plan does not include the Urban Green within the calculation of the public use space. However, the minimum 20% is being exceeded to address substantial conformance.

The remainder of master-plan recommended public use space, including the extension of the Darnestown Road Promenade, the southern portion of Muddy Branch Park below Belward Campus Drive, and areas associated with the historic farm setting, will be delivered in future Site Plan phases.

The Applicant coordinated with the Staff of the Park Planning and Stewardship Division of Montgomery Parks on the programming of the Muddy Branch Park which will determine how it is used by the surrounding community. Based on the intent of the Master Plan (pgs. 42-46), the Muddy Branch Park:

- Should be used for active and passive recreation, including informal and organized playing areas and tree-lined edges at the perimeter.
- Could have one rectangular field for active recreation.
- Should be designed to create a sense of place and destination for with amenities such as gardens, walking paths, and water features.
- Should use the landmark tree in this area as a focal point in the design.
- Needs to be substantially completed before building permits are issued for more than 25% of the total development allowed on the Property.

The Site Plan orients the Park to be framed by street trees and that various outdoor spaces be programmed with seating and dining to encourage activation via employees at and visitors to this campus. The Application will provide a rectangular field as recommended by the Master Plan. The Park Planning and Stewardship Division has requested a field dimension of 165 feet by 260 to provide the most versatile field for a variety of uses and users and to fully meet the master-plan recommendation. The Applicant is providing a reduced sized field (140 feet by 230 feet) due to the various grading challenges on the Site. However, there may be additional room to shift the field to the south and make it larger and move some of the amenities/spaces to the north section where the field currently is shown. The Plan also contemplates zones within the Park that have active and passive recreational opportunities. As conditioned, the Site Plan must provide a field with a minimum dimension of 140 feet by 230 feet or greater based on the final Park design and grading. The final Park programming will include a focal point in the design that commemorates the Black Gum tree which was uniquely recognizable and had a long-standing presence on the campus.

Typically, new parkland and associated amenities are expected to be delivered with adjacent buildings, but the Muddy Branch Park will be delivered subsequent to building construction because of language in the Master Plan. In

terms of substantial completion stated in the Master Plan, this Site Plan is conditioned to provide at least 25% completion of the new Park based on the Overall Site's full zoning capacity (4,737,777 square feet of gross floor area) versus the approved density in the Preliminary Plan approval (1,410,000 square feet).

Interconnected with the open spaces, the Application also implements the beginning of new non-motorized systems with the construction of portions of the LSC Loop Trail, the ten-foot-wide sidepath, buffered bicycle lanes, and 10- to 12-foot-sidewalks. Additional open space and trail improvements envisioned for the southern portion of the Overall Site will be delivered in the future, including the continuation of the Darnestown Road Promenade. Additionally, the entire Mission Hills Preserve (7.01 acres) will be afforested as shown on the Certified Final Forest Conservation Plan as previously conditioned and discussed under the findings for Chapter 22A, Forest Conservation.

The Master Plan also calls for an open campus, whereas the Applicant requested a secure section of the Property. Staff worked with the Applicant to balance the needs of future tenants along with the vision of the Master Plan to have an open campus where buildings define the street and open spaces are publicly accessible. As conditioned, the accessory security pavilion and Clearvu perimeter fencing primarily associated with Building A2 and improvements interior to Road C, shall only be constructed if leases are entered into between the Applicant (or their Designee) and with a tenant that requires these security elements. No fences shall be placed around the 0.54 acres of the master-planned Urban Green designated for public access or open spaces recommended by the Master Plan for public use.

### Environment

The GSSC Master Plan provides broad environmental sustainability recommendations, including preserving natural resources, improving water and air quality, and reducing carbon emissions.

#### *Resource Protection and Preservation*

The GSSC Master Plan recommends ways to restore environmental functions in the Life Sciences Center as it undergoes redevelopment. To preserve and enhance natural resources and their associated functions, the Plan calls for the following:

- Creates a local street network that avoids impact to natural resource areas as much as possible (page 53).

- Recommends that facility plans for any new roads minimize impacts to existing resources.
- Recommends creation of the Life Sciences Center Loop (pg. 32). Existing natural resource areas are preserved through the Planning Board's Environmental Guidelines and connected by the LSC Loop Trail.
- Where possible, use required forest and tree planting to enhance and expand existing resources.

The approved Site Plan provides a road network that avoids major impacts to the stream valley buffer areas on the Site. Additionally, the Site Plan will construct portions of the LSC Loop Trail. Through the Forest Conservation Plan, afforestation requirements will enable additional tree plantings that will be protected and eventually yield long-term environmental benefits.

#### *Stream Buffer and Water Quality*

To protect water quality, the Master Plan recommendations include the following:

- Site design and construction options that minimize imperviousness, such as reduced parking requirements and the use of structured parking.
- Recommends the use of bioswales, planter beds, rain gardens, pervious pavement, the incorporation of non-paved areas into open spaces, and similar techniques included in Environmental Site Design.
- The use of vegetated roofs and walls and increasing tree canopy.
- Landscaping with native plants that are adapted to grow in our area.

These goals are met by combining forest conservation requirements with street trees and landscaping plantings which includes native species. The Site Plan will incorporate Environmental Site Design to the maximum extent practical with the use of micro-bioretenment areas and other techniques to assist with filtering and retaining water on-site. The Site Plan aims to meet the intent of the Forest Conservation law, the Environmental Guidelines, and the GSSC Master Plan.

Additionally, the Application includes on-site stormwater management via bioswales and other elements. A solar array on Garage P1 and P1 Extension will be constructed to address Site energy, but mechanical and electrical equipment impedes the provision of green roofs on the three buildings. The Master Plan recommends the use of light-reflecting roof surfaces where green roofs cannot be used. As conditioned, the Applicant must closely examine various development programs in future Site Plan applications to address ways to prominently integrate sustainability with the building design.

Further, to protect water quality, the Master Plan (pg. 27) states that “[t]he Belward Campus, with its specialized institutional use and protection of existing natural resources, should have minimum canopy coverage of 30 percent. These goals should be met by combining forest conservation requirements with street tree plantings and landscaping plantings (pg. 86). Public and private open space areas should strive for a minimum of 25 percent canopy coverage. Surface parking areas should meet or exceed 30 percent canopy coverage.”

#### Housing

The current Application does not include any residential uses. However, any future phases of development for the Overall Site with residential uses must address requirements of the Master Plan and the Chapter 25A of the County Code.

#### Historic Property

The Master Plan has four specific recommendations regarding Belward Farm:

- Preserve views of the farmstead, to the extent practicable, from Darnestown Road and residential neighborhoods to the south and west, consistent with other Master Plan objectives for this site.
- Step new buildings down to 60 feet (four stories) adjacent to the Belward Farm.
- Use the site, including the house and barns, for recreational, educational, social, or cultural uses that complement the community and new development.
- Preserve open space and mature trees surrounding the farmstead. Retain an environmental setting large enough to convey the agricultural character of the historic resource, between 10 and 12 acres.

The Project will maintain significant views of the Farm. The Project's construction of the 150-foot-wide Belward Campus Drive and the buildings that will line this new road will create an appropriate transition between the Belward farmhouse and outbuildings and offer views into the adjacent historic environmental setting. The expansion of the Belward Farm tract will occur under future applications.

#### Master Planned Roadways

The Site Plan adequately addresses the recommendations to improve existing road frontages and construct new roadways associated with the development. Typically, site plans adhere to the road alignments and access points approved within a preliminary plan. The Site Plan moderately deviates from the illustrative street grid of the approved Preliminary Plan Amendment and Concept Plan. Generally, the private road network alignment north of Belward

Campus Drive aims to follow the conceptual alignment envisioned with earlier approvals. Presently, Road A is positioned lower on the Subject Property, which allows the road to avoid greater impacts to the stream valley buffer area. The Amended Preliminary Plan also showed proposed Road B wrapping around a building and running parallel to the Mission Hills Preserve. Instead of adding additional roadway pavement along this buffer area, a turn-around has been provided to meet fire access requirements, while preserving the natural feeling of the Preserve. Condition No. 17 of the Amended Preliminary Resolution MCPB No. 11-72 states that for Roads B-3 and B-4, the final extent, delineation, and alignment of these roads shall be determined at the time of the relevant site plan. Per Condition No. 20, future site plans must determine the extent and timing of construction of the internal private roads necessary to support the development proposed by the relevant Site Plan. The new internal roads are found in conformance with the existing approval, avoid sensitive areas, and meet the intent of safe, adequate, and efficient circulation, while also addressing environmental regulations.

***Muddy Branch Road:*** It is designated as a six-lane major highway, M-15, with a recommended 150-foot right-of-way and a dual bikeway (bike lanes and a shared use path on the east side), DB-24 from Darnestown Road to Belward Campus Drive, and is recommended as a 170-foot right-of-way and a dual bikeway, DB-24, from Belward Campus Drive to Great Seneca Highway. The required right-of-way is shown on the Preliminary Plan and improvements from the Property line to the centerline area are shown on the Site Plan, including the bikeway and the LSC Loop Trail. The Project will also construct protected intersection design at all intersecting streets along the Subject Property's Muddy Branch Road street frontage.

***Belward Campus Drive:*** Listed as Decoverly Drive Extended in the GSSC Master Plan, this is a four-lane-arterial, A-284, with a recommended 150-foot right-of-way that includes the roadway, a shared use path, SP-66/LB-7, and the envisioned CCT. The required right-of-way is shown on the Preliminary Plan. The Site Plan reduces the master-plan recommended median of 50-feet-wide to 48-feet-wide to accommodate the additional width needed for stormwater management under the sidewalk and tree lawn. This reduction was found acceptable to MCDOT. The median will still allow for a future transitway which meets the intent of the provision of the median.

***Road B-3:*** Identified as a business district street, B-3, is recommended as a two-lane 70-foot right-of-way. The right-of-way will be placed in a public use and access easement as shown on the Preliminary Plan.

*Extension of Private Road B-4:* Private Road B-4 (identified as Road C in the *GSSC Master Plan*) is a planned Business District Street with a planned right-of-way width of 70-feet from the Darnestown Road and Key West Avenue intersection, northwards to the planned Private Road B-4 and Belward Campus Drive intersection (Arterial (Planned) with planned BRT A-284). The remaining portion of the road to connect with Belward Campus Drive will be constructed as part of this Application.

During the Site Plan review, MCDOT and DPS identified several changes that must be addressed for the approved roadways. As listed in the conditions of approval in both Agency letters, the Applicant must address a variety of outstanding items such as the design of the protected bicycle intersections, two reverse curves shown without a tangent in-between per Section 50.4.3.E.2.g, relocated sidewalks within the right-of-way or placed in an easement, and reduction of curb radii.

#### Master Planned Bikeways

As recommended by the 2010 *Great Seneca Science Corridor Master Plan* and 2018 *Bicycle Master Plan*, separated bicycle lanes and green buffers will be constructed by the Applicant along Belward Campus Drive, which is consistent with the Downtown Boulevard standards within the approved Complete Streets Design Guide. The bicycle lanes will measure a minimum of 6.5-feet-wide and will be placed within the public right-of-way, adjacent to tree panels and the 10-foot-wide LSC Loop Trail on the south side, and the 10-foot-wide sidewalk on the north side. Additionally, the Muddy Branch Trail Corridor and a countywide bikeway connection (DB-24) will be constructed by the Applicant along the Subject Property's Muddy Branch Road frontage.

#### Existing and Proposed Adjacent Development

The R&D, office, and commercial uses are compatible with existing uses in nearby developments. The Subject Property is close to numerous healthcare facilities, including Adventist HealthCare Shady Grove Medical Center, the National Cancer Institute, and other medical office buildings offering outpatient treatment in an ambulatory setting. The principal use of this TCC Site Plan Application is consistent with the various health and research-related uses in proximity.

The TCC Site Plan provides compatibility with existing neighboring properties and highways by establishing a human-scale relationship between the buildings and their streets. The Project also sets buildings across the 150-foot-wide right-of-way for Belward Campus Drive to preserve expansive views of the Belward Farm and environmental setting to establish a compatible relationship with the farm's existing structures. The layout of the first three (3) R&D/office buildings

and structured garages establish a compatible relationship with the abutting Belward Farm by taking advantage of the Subject Property's sloping grade to reduce the appearance of bulk and mass.

Additionally, the Project will be physically separated from the confronting residential uses to the west by the added right-of-way width that account for the two-way-bike lane, LSC Loop Trail, and substantial tree panel along the length of the Muddy Branch Road frontage. Compatibility will be achieved via multi-modal connections between the Phase I Property (JHU MOB Site Plan), this current phase (TCC Site Plan), and future development phases. The Site Plan includes a remaining portion of the master planned Private Road B-4. Additionally, this Site Plan Application initiates the Muddy Branch Park recommendations that will continue to expand south with subsequent Applications.

The Project is compatible with approved adjacent development and pending developments. Approved development in proximity includes the former Public Safety Training Academy (PSTA) Site to the southeast of the Subject Property. Connectivity between the Subject Application and the PSTA Site is confirmed in the GSSC Master Plan as stated: *"The LSC Loop will link activity centers and community facilities, including the planned high school on the Crown Farm (in the City of Gaithersburg), the historic Belward Farm, and the [PSTA] civic green and retail center on LSC West"*. The Site Plan includes pathways that will eventually tie into the broader LSC Loop Trail alignment. Therefore, the uses within the Site Plan at Belward Campus is compatible with existing and approved or pending 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 law.*

- a. Chapter 22A, Forest Conservation

The Board finds that as conditioned the Forest Conservation Plan (FCP) complies with the requirements of the Forest Conservation Law.

Environmental Guidelines

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved for this Site on June 17, 1996. The Overall 107-acre Site contains two intermittent streams, one in the north center of the Site with an environmental buffer of approximately 3.5 acres, and one in the northeast part of the 107-acre Overall Site with an environmental buffer



of approximately 3.7 acres. Wetlands and their buffers occur on the Overall Site within the boundaries of the environmental buffers. The Site contains no 100-year floodplains, or known habitats of rare, threatened, and endangered species. The Overall Site drains to the Muddy Branch watershed, which is not in a Special Protection Area or Primary Management Area. Muddy Branch is a Maryland State Use Class I-P stream. No structures are approved for construction within the environmental buffers. The FCP is in conformance with the Montgomery County Planning Department's Environmental Guidelines.

#### Final Forest Conservation Plan

FFCP No. F20230020 was submitted by JHU as the Applicant and applies to the Overall Site. The FFCP was approved concurrently with this Site Plan (TCC Site Plan) and adds additional off-site disturbance that increases the net tract area to 140.77 acres. This FFCP approves 25.95 acres of forest clearing and 3.85 acres of forest retention, with a slight increase in the forest mitigation requirement to 36.70 acres due to the increased net tract. The Applicant will fulfill the mitigation requirement through 18.67 acres of on-site afforestation and 18.03 acres of off-site forest banking credit. As approved, the Belward Campus will end up with 2.57 acres of preserved forest in existing forest conservation easements in the already-developed eastern portion of the Overall Site, plus 1.28 acres of preserved forest and 18.67 acres of planted forest in easements in the currently developing portion of the Site. All forest planted or retained for forest conservation credit must be protected by recording a Category I Forest Conservation Easement. Implementation of the forest conservation mitigation is being phased as indicated in the conditions of approval for FFCP No. 20230020.

#### *Forest Conservation Variance*

As part of Forest Conservation Plan No. F20230020, the Board approved variances pursuant to Section 22A-21 of the County Code to allow critical root zone (CRZ) impacts to twelve (12) trees that are considered high priority for retention under Section 22A-12(b)(3). Eight (8) of the trees will be removed, and four (4) trees will be impacted, but retained. The variance trees removed will be mitigated with an installation of 24 three-inch caliper trees, totaling at least 69.5 caliper inches.

#### b. Chapter 19, Erosion, Sediment Control, and Stormwater Management

The Stormwater Management Section of the Montgomery County Department of Permitting Services (MCDPS) issued a letter accepting the

stormwater management concept dated February 28, 2023 (SM File No. 239332). Stormwater management will be implemented through an environmental site design (ESD) plan that includes storm filter storm pods, planter boxes, and micro bioretention areas.

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 MAY 02 2023 (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 Hedrick, seconded by Commissioner Pedoeem, with a vote of 5-0; Chair Zyontz, Vice Chair Piñero, and Commissioners Bartley, Hedrick, and Pedoeem, voting in favor of the motion, at its regular meeting held on Thursday, April 20, 2023 in Wheaton, Maryland and via video conference.

  
\_\_\_\_\_  
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Belward Campus, Site Plan No.  
820220250