

# **Montgomery County Planning Board**

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 22-037

Site Plan No. 820220050

**PSTA**

Date of Hearing: March 31, 2022

**APR 11 2022**

## RESOLUTION

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

WHEREAS, on September 9, 2021, The Elms at PSTA, LLC (“Applicant”) filed an application for approval of a site plan to construct 630 residential dwelling units, including 30% Moderately Priced Dwelling Units, 1,740 square feet of retail use, open spaces, new roads, and a segment of the Life Sciences Center Loop Trail, on 44.8 acres of land in the Commercial/Residential (CR): CR-1.0, C-0.5, R-1.0, H-150 zone, located at 9710 Great Seneca Highway (“Subject Property”), in the R & D Village Policy Area and within the Life Sciences Center West District of the 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. 820220050, PSTA, including a Parking Waiver (“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 21, 2022, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on March 31, 2022, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Rubin, seconded by Commissioner Verma, with a vote of 4-0; Chair Anderson, Commissioners Cichy, Rubin, and Verma voting in favor with Commissioner Patterson being absent.

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Approved as to

Legal Sufficiency: /s/ Emily Vaias

M-NCPPC Legal Department

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820220050, including a Parking Waiver , to construct 630 residential dwelling units, including 30% Moderately Priced Dwelling Units, 1,740 square feet of retail use, open spaces, new roads, and a segment of the Life Sciences Center Loop Trail on the Subject Property, subject to the following conditions:<sup>1</sup>

### **Density, Height & Housing**

1. Density

The Site Plan is limited to a maximum of 1,046,126 square feet of total development on the Subject Property, including 1,039,136 square feet of residential uses, for up to 630 units, and 1,740 square feet of retail uses<sup>2</sup>.

2. Height

The development is limited to a maximum height of 75 feet, as measured from the building height measuring point(s), as illustrated on the Certified Site Plan.

3. Moderately Priced Dwelling Units (MPDUs)

- a) The Planning Board has reviewed and accepts the recommendations of Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated January 31, 2022 and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.
- b) The development must provide 30 percent MPDUs or MCDHCA-approved equivalent consistent with the requirements of Chapter 25A and the applicable Master Plan.
- c) Before issuance of any building permit for any residential units, the MPDU agreement to build between the Applicant and the MCDHCA must be executed.

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

4. Public & Common Open Spaces, Facilities, and Amenities

- a) The Applicant must provide a minimum of 7.45 acres (324,522 square feet) of open space on-site and all amenities and streetscape improvements within the Property, as illustrated on the Certified Site Plan.

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

<sup>2</sup> The retail use space can be changed to other commercial uses if there is no adverse impact on the Site Plan and APF findings and it is approved by Staff.

- b) At the time of issuance of the use and occupancy certificate for the final multi-family building on the Subject Property, multi-family building amenities and amenities within the 3.14-acre of forested stream valley buffer must be substantially completed.
- c) A portion of Medical Center Drive must be under construction, between Key West Avenue and Great Seneca Highway, prior to the issuance of any building permit or certificate of occupancy associated with townhouse or two-over-two multifamily residential dwelling units west of Street A.
- d) Medical Center Drive shall be designed, bonded, constructed, and open to traffic in phases, as shown in the Phasing Plan on the Certified Site Plan.
- e) At that later of the issuance of either a building permit, use and occupancy certificate associated with the 71<sup>st</sup> townhouse dwelling unit or two-over-two dwelling unit (excluding the multi-family buildings on Lots 1 and 2) on the Subject Property, or the final conversion of the sediment control facility on this parcel, the amenities within the Parcel E privately owned public open space along Great Seneca Highway must be substantially completed.
- f) Before the issuance of the 151<sup>st</sup> townhouse dwelling unit or two-over-two dwelling unit building permit on the Subject Property, the 3.17-acres of privately owned public open space with an athletic field (open space Parcel G) at the intersection of Great Seneca Highway and Medical Center Drive must be substantially completed.
- g) Before the issuance of the 188<sup>th</sup> townhouse dwelling unit or two-over-two dwelling unit building permit on the Subject Property, the 0.44-acre clubhouse with pool and community room (open space Parcel G) at the intersection of Street A and Public Street C East must be substantially completed.
- h) Before the issuance of either a building permit or use and occupancy certificate associated with the 226<sup>th</sup> townhouse dwelling unit or two-over-two dwelling unit (excluding the multi-family buildings on Lots 1 and 2) on the Subject Property, the 0.50-acre civic green (open space Parcel B) located at the intersection of Medical Center Drive and Blackwell Road must be substantially completed.
- i) The 0.20-acre mews (open space Parcel C and Parcel D, Block D) must be substantially completed at the time of adjacent unit construction.
- j) Prior to issuance of either a building permit or use and occupancy certificate associated with the 262<sup>nd</sup> townhouse dwelling unit or two-over-two dwelling unit (excluding the multi-family buildings on Lots 1 and 2), all remaining amenity and open spaces on the Subject Property must be completed and landscaping installed, including open space Parcel A open pet area on Medical Center Drive.

5. Common Open Space Covenant

The record plat must reference the Common Open Space Covenant recorded at Book 28045 Page 578 (Covenant).

6. Recreation Facilities

a) The Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan.

7. Maintenance of Public Amenities

The Applicant or successor Homeowners Association is responsible for maintaining all publicly accessible amenities throughout the Site including, but not limited to picnic tables, grilling stations, benches, trellis structures, drinking fountains, tot lots with play structures, dog areas, and bicycle repair stations.

## **Environment**

8. Forest Conservation & Tree Save

The development must comply with the Final Forest Conservation Plan.

- a) Prior to the start of any demolition, clearing, grading, or construction for this development Application, whichever comes first, the Applicant must record a Category I Conservation Easement over all areas of forest retention, forest planting and environmental buffers as specified on the approved Forest Conservation Plan. The Category I Conservation Easement must be in a form approved by the M-NCPPC Office of the General Counsel and may allow temporary disturbance for necessary grading for roads and associated stormwater management facilities, including storm drain and culverts, as shown on the approved Forest Conservation Plan, and must be recorded in the Montgomery County Land Records by deed. Temporarily disturbed areas within the easement must be restored as directed by the forest inspector.
- b) The Book/Page for the forest conservation easement must be referenced on the record plat.
- c) Prior to any demolition, clearing, grading or construction for this development Application, whichever comes first, the Applicant must submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the planting of variance mitigation trees, any approved landscape trees receiving credit toward forest conservation requirements, and maintenance for all on-site trees credited toward meeting the requirements of the FCP.
- d) The Sediment and Erosion Control Plan and Storm Water Management Plan must be consistent with the limits of disturbance and the associated tree/forest preservation measures of the FFCP.
- e) The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures



not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.

- f) Prior to certification of the Site Plan, the Applicant must adjust any landscape credit taken on the Forest Conservation Plan worksheet to include only trees that exceed the zoning landscape requirements per Forest Conservation Regulation 22A.00.01.08.G(2); and are not to be planted in a public right-of-way or along private streets, per Regulation 22A.00.01.08.G(5).
- g) Prior to any demolition, clearing, grading or construction for this development Application, whichever comes first, the Applicant must record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Muddy Branch watershed to satisfy the reforestation requirement for a total of 11.70 acres of mitigation credit, unless modified and approved by Staff prior to the Certified Site Plan. This reforestation requirement amount may be reduced by any landscape credits that are in compliance with the requirements of Condition 8(f) and approved by Staff. The off-site requirement may be met by purchasing credits from a mitigation bank elsewhere in the County, subject to Staff approval, if forest mitigation bank credits are not available for purchase within the Muddy Branch watershed or by making a fee-in-lieu payment if mitigation credits are not available.

9. Noise Attenuation

- a) Before issuance of any building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatment that:
  - i. The building shell for residential dwelling units affected by exterior noise levels projected at or above 60 dBA Ldn, as shown on the Phase I Noise Analysis, will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b) Before the release of building permits for any residential unit affected by exterior noise levels projected at or above 60 dbA Ldn as shown on the Phase I Noise Analysis, the Applicant /developer/builder must certify to M-NCPPC Staff that the noise impacted units will be constructed in accordance with the recommendations in the Noise Analysis.
- c) If any changes occur to the Site Plan which affect the validity of the noise analysis dated October 13, 2021, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required to reflect the changes and new noise attenuation features may be required.
- d) Before issuance of any Use and Occupancy Certificate or prior to any site plan bond reduction approval, whichever is applicable, for any of the noise impacted units, a Professional Engineer must certify to the Planning Department and Department of Permitting Services that the noise impacted

units have been constructed in accordance with the certification of an engineer that specializes in acoustical treatments.

- e) For all noise impacted residential dwelling units, the Applicant/developer/builder must disclose in writing to all prospective purchasers that those homes are impacted by transportation noise. Such notification may be accomplished by inclusion of this information and any measures to reduce the impacts in brochures and promotional documents and must be included in any noise impacted sales contracts, any illustrative site plan(s) on display within any sales related offices(s); in Homeowner Association documents; all Deeds of Conveyance of noise impacted units; and by inclusion on all certified subdivision and site plans.

#### 10. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated January 27, 2022 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

### Transportation & Circulation

#### 11. 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 January 13, 2022 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.
- b) Prior to the issuance of any building permit, the Applicant must obtain approval of a Project-based Transportation Demand Management Plan (TDM) from the Montgomery County Department of Transportation (MCDOT).
- c) Prior to obtaining any right-of-way permit for Medical Center Drive, the Applicant must obtain MCDOT approval for the relocation of the existing driveway at 9850 Key West Avenue.
- d) The grade and material of the Medical Center Drive sidewalk and bicycle facilities, crossing the 9850 Key West Avenue driveway, must be maintained

- such that the sidewalk and bicycle facilities cross the driveway in a flush condition, subject to approval by Montgomery County DPS Right-of-Way.
- e) Dwelling units with high-visibility driveways or alleyways (as identified on the Certified Site Plan), must have screening in the form of fencing and/or landscaping, as shown on the Certified Site Plan.
  - f) Once Medical Center Drive is completed and open to the public, the Applicant must place visible signage on each end of the landscape median stating the following: "This area is reserved for the future construction of the Corridor Cities Transitway."

## 12. Private Alleys

The Applicant must provide Private Alleys including any sidewalks, bikeways, storm drainage facilities, street trees, street lights, private utility systems and other necessary improvements as required by either the Preliminary Plan or the Site Plan within the delineated private alley area (collectively, the "Private Alleys"), subject to the following conditions:

- a) If there are no structures above or below the Private Alleys, the record plat must show the Private Alleys in a separate parcel. If there are structures above or below the Private Alleys, the record plat must clearly delineate the Private Alleys and include a metes and bounds description of the boundaries of the Private Alleys.
- b) The Private Alleys 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 as required by the Montgomery County Code with regard to private roads set forth at § 50-4.3.E et seq. The Covenant includes, but is not limited to the following requirements/conditions:
  - i. The Applicant or successor homeowners association, at its expense, shall design, construct, and maintain the Private Alleys.
  - ii. The Applicant or successor homeowner association, 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 Alleys and all improvements located within the Private Alleys, in good condition and repair for safe use and operation of the Private Alleys. The Applicant or successor homeowner association 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 or successor homeowner association must provide certification of the reserves to the Planning Board or its Staff every two (2) years (or every five (5) years in the event there are no

- below-ground parking structures in the Private Alleys). 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 Alleys are not publicly maintained and to provide contact information to handle complaints, concerns or questions regarding the Private Alleys.
- c) Before issuance of the first building permit for a particular block, 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 Alleys in that block 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, as applicable, 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.

### **13. Pedestrian & Bicycle Circulation**

- a) **Bicycle Parking:**
  - i. The Applicant must provide 141 long-term and 8 short-term bicycle parking spaces associated with the multi-family buildings and a total of 30 short-term bicycle parking spaces associated with the open space areas as shown on the Certified Site Plan.
  - ii. The long-term spaces must be in secured, well-lit parking areas in all of the multi-family buildings, and the short-term spaces must be inverted-U racks (or approved equal) installed along the retail frontage for multi-family apartment building No. 1 and located within 90 feet of each building's main front entrance (weather protected preferred). Final details and locations of both long-term and short-term bicycle parking spaces must be shown on the Certified Site Plan.
- b) The Certified Site Plan must reflect bicycle rooms in multi-family buildings No. 1 through No. 4 consistent with the design criteria set forth in Section 59.6.2.6 of the Zoning Ordinance.
- c) The Applicant must provide a total of five (5) bicycle repair stations, one located within each of the four (4) multi-family buildings and one (1) with the construction of the 3.17-acres of open space located at the intersection of Great Seneca Highway and Medical Center Drive, as shown on the Certified Site Plan.



- d) The Applicant must provide a design for the following master planned pedestrian and bicycle facilities, the exact location, design, and construction of which must comply with requirements set forth by the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations or the State Highway Administration, as applicable, with the corresponding right-of-way/access permit(s):
- i. Key West Avenue (MD 28): Prior to the issuance of the final use and occupancy certificate for the final multi-family residential building, shown on the Certified Site Plan, construct a ten-foot wide (10 ft.) asphalt sidepath along the Property frontage, as approved by MDSHA.
  - ii. Great Seneca Highway (MD 119): Prior to the issuance of the 12<sup>th</sup> building permit for Block F Units 1-16, construct a ten-foot wide (10 ft.) asphalt sidepath along the Great Seneca Highway Property frontage, as approved by MCDPS.
  - iii. Medical Center Drive (southbound): Construct the 10-foot-wide two-way separated bicycle lanes concurrently with the construction of the abutting dwelling units in Blocks B and C.
  - iv. Medical Center Drive (northbound): Construct a twelve-foot-wide (12 ft.) Life Sciences Center Loop Trail and associated amenities along the Site's Medical Center Drive frontage in accordance with *the LSC Loop Trail Design Guidelines* as follows:
    1. The segment of the LSC Loop Trail along Medical Center Drive between Great Seneca Highway and Public Street A must be constructed concurrently with the completion of the adjacent units and in conjunction with the construction of the abutting dwelling units in Blocks G and F and the 3.17-acre open space, whichever comes first.
    2. The interim (prior to acquisition of 9850 Key West Avenue right-of-way) segment of the LSC Loop Trail along Medical Center Drive between Blackwell Road to Key West Avenue must be constructed at the time of issuance of Use and Occupancy certificate for the final multi-family building.
    3. The remaining ultimate (after acquisition of 9850 Key West Avenue right-of-way) segment of the LSC Loop Trail along Medical Center Drive between Blackwell Road to Key West Avenue must be constructed prior to the final opening of this section of Medical Center Drive to traffic and acceptance for maintenance by MCDOT.
  - v. Blackwell Road (westbound): Prior to the issuance of the Use and Occupancy certificate of the final multi-family building, construct five-foot-wide (5 ft.) separated bicycle lanes and depress the grade of the bicycle lanes beneath the grade of the sidewalk and provide a roll curb with a 2-inch to 3-inch curb reveal on Blackwell Road and Medical

- Center Drive, or as approved by Montgomery County Department of Transportation and Montgomery County Department of Permitting Services.
- vi. Blackwell Road (eastbound): Prior to the completion of each adjacent townhome unit stick or two-over-two stick, construct five-foot-wide (5 ft.) separated bicycle lanes and depress the grade of the bicycle lanes beneath the grade of the sidewalk and provide a roll curb with a 2-inch to 3-inch curb reveal on Blackwell Road and Medical Center Drive, or as approved by Montgomery County Department of Transportation and Montgomery County Department of Permitting Services.
  - vii. Public Street D: In conjunction with the construction of the stick of five (5) townhouses abutting Public Street D south of Medical Center Drive, construct a ten-foot-wide (10 ft.) asphalt sidepath along Public Street D that connects to Darnestown Road.
- e) 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, and, where applicable, the State Highway Administration, prior to obtaining the corresponding right-of-way/access permit(s):
- i. Key West Avenue and Medical Center Drive/Johns Hopkins Drive
  - ii. Key West Avenue and Great Seneca Highway
  - iii. Blackwell Road and Great Seneca Highway
  - iv. Blackwell Road and Medical Center Drive
  - v. Medical Center Drive and Great Seneca Highway
  - vi. Medical Center Drive and Public Street D
  - vii. Blackwell Road and Public Street A
  - viii. Blackwell Road and Public Street B

#### 14. 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 10, 2022, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

### Site Plan

#### 15. Site Design

- a) The exterior architectural character, proportion, materials, and articulation of the dwelling units must be substantially similar to the schematic

- elevations shown on all Architectural Sheets, including 1-15 of the submitted architectural drawings, as determined by M-NCPPC Staff.
- b) The exterior architectural character, proportion, materials, and articulation of the MPDUs must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the market-rate units.
  - c) All buildings identified on the Certified Site Plan as having a high-visibility side should treat such elevations with the same palette of materials as the main façade and provide fenestration that must add up to at least the minimum percentage of the overall side elevation area based on the unit type as defined by the Zoning Code.
  - d) Trash enclosures for the multi-family apartment buildings must be architecturally compatible with the principal building structures with a coordinated design as shown on the Certified Site Plan.
  - e) Monument signs located near the entrances of Medical Center Drive at Key West Avenue and Great Seneca Highway must be architecturally compatible with the principal building structures with a coordinated design as shown on the Certified Site Plan, and as approved by DPS.
  - f) Public Street Tree Spacing will be determined by DPS under the following guidance and subject to final approval by DPS:
    - i. Major species trees should be planted with a maximum spacing of 40 feet on center;
    - ii. Minor species trees should be planted with a maximum spacing of 25 feet on center.

**16. Lighting**

- a) Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c) Deflectors will be installed on 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.

**17. Site Plan Surety and Maintenance Agreement**

Prior to issuance of the first above grade building permit associated with each phase of the Development Program, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private 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.

**18. Development Program**

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

**19. Certified Site Plan**

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

- a) Include the stormwater management concept approval letter, development program, and Site Plan resolution on the approval or cover sheet(s).
- b) The Fire Department Access Plan must be included in the Certified Site Plan.
- c) Include updated architectural:
  - a. Architectural elevations including material call outs for all sides of the multi-family buildings as previously coordinated with Staff and dated March 15, 2022;
  - b. Architectural elevations with material call outs for all sides for typical strings of two-over-two units and townhouses;
  - c. Architectural elevations with material call outs for all sides of the clubhouse;



- d. Include a plan showing location of all units with a high visibility side; and
- e. Include a plan showing the location and treatment of all screening to block views into the service alleys from streets and public spaces and end-unit driveways.
- d) Add a note to the Site Plan stating that “M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading.”
- e) Add a note stating that “Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
- f) Modify the data table to:
  - i. Reflect development standards approved by the Planning Board.
  - ii. Include the final parking count update required to reflect the Reduced Parking Area.
  - iii. Remove the note about “requirements for high-visibility units” (i.e. 2 windows, etc.).
  - iv. Remove the note about the modified Build-to-Area.
  - v. Remove or revise zero from the lot width at front line for lot dimension.
- g) Provide the revised building footprints for the community pool located at the intersection of Street A and Street C East.
- h) Ensure consistency of all details and layout between Site and Landscape plans including the update of the details and quantities on the materials schedule for landscaping and other site plan elements (Landscape Sheet No. 12).
- i) Provide a table that clearly shows the parking lot tree canopy list to satisfy Section 59.6.2.9.C.2. This table must be separate from the planting list associated with the Forest Conservation Plan.
- j) Update the plan exhibit illustrating the revised access point for 9850 Key West Avenue.
- k) Add a note and update for compliance to square footage and other requirements for all of the applicable recreational elements, including the following:
  - a. Two multi-age play areas to demonstrate that each element meets M-NCPPC Recreation Guidelines.
  - b. Rectangular youth soccer field set back 100 feet from the nearest adjacent building and 40 feet from the nearest curb.
- l) Clarify details on the lighting plan:
  - a. Identify any wall mounted fixtures at lobby entrances of the multi-family apartment buildings, as applicable, to correspond with the revised architectural elevations.

- b. Label the height of parking lot fixtures and cobra heading lighting proposed for Medical Center Drive.
- m) Include the revised construction phasing drawing.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of PSTA Site Plan No. 820220050, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as 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 development satisfies any previous approval that applies to the site.*

The Applicant has demonstrated compliance with the conditions of approval for the previously approved Preliminary Plan No. 120200100 for the Property, many of which are outlined herein. As conditioned with the approved Preliminary Plan, the Applicant will construct the planned roadway connections required through the property, outlined within the Master Plan of Highways and Transitways and in accordance with the 2010 Great Seneca Science Corridor Master Plan. In order to improve future site access, and as conditioned through Preliminary Plan No. 120200100 (Condition No. 27), the Applicant will install new traffic signals at three (3) intersections: 1) intersection of Blackwell Road and Great Seneca Highway, 2) at the intersection of Medical Center and Great Seneca Highway; and 3) Medical Center Drive and Key West Avenue. During the Preliminary Plan, MCDOT found that the current driveway entrance to the existing lot on the west side of Medical Center Drive is not acceptable. The Applicant was conditioned to provide an alternative at the site plan stage that complies to sight distance requirements as well as intersection distance requirements. The Site Plan includes the relocation of the existing driveway access from Key West Ave. During the Preliminary Plan the Applicant was conditioned to pursue additional sustainable features to enhance the development, particularly with the four (4) multi-family buildings, including energy conservation and building design features that keep roofs cool, such as green roofs or cool roofs, to further the Master Plan's recommendations. At this time, no additional sustainability measures are proposed with this Site Plan due to the multi-family buildings architecture with pitched roofs. As conditioned, the Final Forest Conservation Plan will provide additional mitigation for a new variance tree that was not included on the Preliminary Forest Conservation Plan.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

Neither a development plan, diagrammatic plan, schematic development plan, nor a project plan were required for the Subject Property, thus there are no binding elements.

3. *The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

Not applicable.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

a. Use Standards

The CR zone is intended for larger downtown, mixed-use, and pedestrian-oriented areas in close proximity to transit options where retail tenant gross floor area is not restricted. The residential and retail uses are allowed in the CR Zone and the Site Plan fulfills the general purposes of the zone.

b. Development Standards

The Subject Property includes approximately 44.8 acres zoned CR zone (CR-1.0, C-0.5, R-1.0, H-150). The Application satisfies the applicable development standards as shown in the following data table:

**Table 1: Data Table for CR Zone, Standard Method**

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Approved</b>
<b>Tract Area</b>	n/a	2,096,488 sf. (48.12 ac.)
<b>Site Area</b>	n/a	1,953,230 sf. (44.84 ac.)
<b>Total Maximum Density</b>	up to 2,096,488 sf.	1,040,876 sf.

Commercial Density	up to 1,048,244 sf.	1,740 sf.
Residential Density	up to 2,096,488 sf.	1,039,136 sf.
<b>Public Use Space (min.)<sup>3</sup></b>	15% (6.73 acres)	16% (7.45 acres)
<b>Common Open Space (min.)</b>	10% (4.48 acres)	10% (4.48 acres)
<b>Public Open Space (min.)</b>	10% (4.48 acres)	10% (4.48 acres)
<b>Lot Coverage (max.)</b>	Set at Site Plan	13% (22,710 sf.)
<b>Lot Dimensions (min.)</b>		
Lot area	800 sf. (townhouse)	900 sf. (townhouse)
Lot width at front building line	12 ft. (townhouse)	16 ft. (townhouse)
Lot width at front lot line	n/a	n/a
Frontage on street/ open space	Required	Provided
<b>Building Height (max.)</b> Multi-family & Townhouse	150 ft. (principal) 25 feet (accessory)	75 ft. (principal) 25 feet (accessory)
<b>Principal Building Setbacks (min.)</b>		
Front setback from public street	5 feet (townhouse) 0 feet (2-over-2)	5 feet (townhouse) 0 feet (2-over-2)
Side street setback	5 feet (townhouse) 0 feet (2-over-2)	5 feet (townhouse) 0 feet (2-over-2)
Side street setback abutting residential townhouse zone	10 feet (townhouse) 0 feet (2-over-2)	10 feet (townhouse) 0 feet (2-over-2)
Side setback – end unit	2 feet (townhouse) 0 feet (2-over-2)	2 feet (townhouse) 0 feet (2-over-2)
Rear setback ( <b>abutting all other zones</b> )	10 feet (townhouse) 0 feet (2-over-2)	10 feet (townhouse) 0 feet (2-over-2)
Rear setback (alley)	4 feet (townhouses) 0 feet (2-over-2)	4 feet (townhouses) 0 feet (2-over-2)

<sup>3</sup> Public use space is a Master Plan requirement that exceeds the Zoning requirement.



Minimum lot width at front building line	12 feet (townhouse) n/a (2-over-2)	16 feet (townhouse) n/a (2-over-2)
Minimum lot width at front lot line	n/a	n/a
<b>Build-to-Area (BTA)</b>		
Max. front setback	Set at Site Plan	15 feet (townhouse) 30 feet (2-over-2/Apt.)
Max. side street setback	Set at Site Plan	30 feet (townhouse & 2-over-2/Apt.)
Bldg. in front street BTA	Set at Site Plan	70% (townhouse & 2-over-2/Apt.)
Bldg. in side street BTA	Set at Site Plan	35% (townhouse & 2-over-2/Apt.)

**Table 2: Transparency for Building Walls**

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Approved</b>
<b>Townhouses</b>		
Blank Wall (front max.)	35 ft.	35 ft.
Blank Wall (side/rear max.)	35 ft.	35 ft.
<b>Multi-Family</b>		
Ground story (front)	20%	20% or greater
Ground story (side/rear)	20%	20% or greater
Upper story (min.)	20%	20% or greater
Blank Wall (front max.)	35 ft.	35 ft.
Blank Wall (side/rear max.)	35 ft.	35 ft.
<b>Clubhouse</b>		
Ground story (front)	20%	20% or greater
Ground story (side/rear)	20%	20% or greater
Upper story (min.)	20%	20% or greater
Blank Wall (front max.)	35 ft.	35 ft.
Blank Wall (side/rear max.)	35 ft.	35 ft.

c. General Requirements

i. *Site Access*

The intent of the requirements of Section 59.6.1.1 of the Zoning Ordinance is to ensure safe adequate, and efficient vehicular, bicycle, and pedestrian circulation within and between lots on the same block face and to reduce traffic congestion. This Application includes a combination of roads, sidewalks, bikeways, and natural surface trails that allow access at a number of ingress and egress points into the Site for safe, adequate, and efficient circulation. Site access will be improved in the future condition through a new network of roads that improve porosity across a 40+ acre Site, new traffic control devices including three (3) new traffic signals at major intersections along the periphery of the Site, the right-of-way accommodation for the future CCT, and new non-motorized infrastructure that will connect the new neighborhood to existing transit options nearby and future service on-site.

ii. *Parking, Queuing, and Loading*

The Application will meet the minimum on-site parking requirement based on unit types, number of bedrooms, and retail square footage as prescribed by Section 59.6.2.4.B of the Zoning Ordinance. The Application proposes 1,454 total off-street parking spaces (Table 3 below), inclusive of the Key West Avenue surface parking lot. A baseline maximum is established for multi-living units within the CR Zone due to the Site's location within a Reduced Parking Area; therefore, the Application will exceed the maximum of 1,002 parking spaces permitted for the residential uses by providing 1,445 spaces. In accordance with Section 59.6.2.10 of the Zoning Code, the Planning Board grants the Applicant's request for a parking waiver to exceed the total maximum number of off-site parking spaces for residential units by 443 spaces because the additional spaces will satisfy the intent of Section 59.6.2.1 by providing adequate, safe and efficient parking for the residential units. There are limited public transportation options in the area and specifically, there is no approved plan, pending construction, or known funding for the CCT station proposed within the Site. Further, the excess parking is located on the townhome lots with garages and driveway parking. Parking at the multi-family units also exceeds the maximum with a

parking ratio of 1.6 spaces per unit. Parking spaces provided for the retail use are below the maximum.

An additional 125 on-street parking spaces will be provided along either one-side or both sides of the public streets which will allow for visitor parking for proposed residential units and the recreation field and will aid in traffic calming to make the neighborhood more pedestrian-friendly and walkable.

**Table 3: Parking Lot Setbacks and Parking Requirements**

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Approved</b>
<b>Parking Setbacks for Surface Parking Lots (min.)</b>		
<b>Apartments</b>		
<i>Front Setback</i>	behind front building line of building in the BTA	Complies
<i>Side Street Setback</i>	behind side street building line of building in the BTA	Complies
<i>Side Setback</i>	must accommodate landscaping required under Section 6.2.9	Complies
<i>Rear Setback</i>	must accommodate landscaping required under Section 6.2.9	Complies
<i>Front Setback</i>	behind front building line of building in the BTA	Complies
<b>Vehicle Parking Spaces</b>		
<b>Combined Total</b>	609 (min.) 1,013 (max.)	1,454 <sup>4</sup> vehicle spaces
<b>Townhouses (TH)</b>		
<i>(252) Market – 1 space min./ 2 spaces max. per unit</i>	<u>Market Rate</u> 252 (min.) 504 (max.)	Market Rate – 818 <sup>5</sup> MPDU – 53 Subtotal – 871
<i>(24) MPDU – 1 space per unit/ 2 spaces max. per unit</i>	<u>MPDU</u> 24 (min.) 48 (max.)	
	<u>TH Subtotal</u> 276 (min.) 552 (max.)	
<b>Multi-Family Two-over-Twos</b>		
<i>(26) 3-Bedroom Market– 1 space min./ 2 spaces max. per unit</i>	<u>Market Rate</u> 26 (min.) 52 (max.)	Market Rate – 52 MPDU – 37 Subtotal – 89
<i>(30) 3-Bedroom MPDU – 1 space per unit</i>	<u>MPDU</u> 30 (min.)	
	<u>2-over-2 Subtotal</u> 56 (min.) 82 (max.)	

<sup>4</sup> Pursuant to the Parking Waiver approved with this Application.

<sup>5</sup> Includes 504 garage spaces plus 314 townhouse driveway spaces.

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Approved</b>
<b>Multi-Family Apartments<sup>6</sup></b>		
<i>(32) 1-Bedroom Market- 1 space min. / 1.25 max. spaces per unit</i>		
<i>(84) 2-Bedroom Market- 1 space min. / 1.5 max. spaces per unit</i>	<u>Market Rate</u> 163 (min.) 260 (max.)	
<i>(47) 3-Bedroom Market-1 space min. / 2 max. spaces per unit</i>	<u>MPDU</u> 108 (min.)	Market Rate - 313 MPDU - 172 Subtotal - 485
<i>(27) 1-Bedroom MPDU - 0.625 space per unit</i>	<u>Multi-Family Apartments Subtotal</u> 271 (min) 368 (max.)	
<i>(70) 2-Bedroom MPDU - 0.75 space per unit</i>		
<i>(38) 3-Bedroom MPDU - 1 space per unit</i>		
<b>Commercial</b> <i>(1,740 sf. of retail space)</i>		
<i>3.5 min.; 6 spaces max. / 1,000 sf. of gross leasable area</i>	6 (min.) 11 (max.)	9
<i>Accessible</i>	14	14
<i>Motorcycle/scooter</i>	10	10
<i>Car-share</i>	5	5
<i>Electric charging ready</i>	16	16
<b>Loading Spaces</b>	1	1
<b>Parking Lot Internal Landscaped Area (min.)</b>	5%	22%
<b>Parking Lot Tree Canopy (min.)</b>	25%	25%
<b>Parking Lot Perimeter Planting width, abutting residential (min.)</b>	10 ft.	10 ft.

<sup>6</sup> The baseline parking minimum in the parking table under Section 6.2.4 B may be reduced for MPDUs by multiplying the adjustment factor (0.50) times the baseline minimum.



*Parking and Loading*

Separate from on-street parking, the 1,454 vehicle spaces in the form of garage parking within residential units and the surface parking area meet the requirement per the current 2014 Zoning Ordinance, with the approved Parking Waiver. The Site Plan is subject to Section 59.6.2.4.C and Section 59.6.2.6. of the Zoning Ordinance for long-term and short-term bicycle parking. The Applicant must provide dedicated bicycle parking in the Site’s multi-family apartment buildings. Long-term bicycle parking spaces are provided within bicycle rooms on the ground floor of each multi-family residential structure and short-term spaces are proposed adjacent to each respective building entrance. The Project provides the following number of spaces per building:

**Table 4: Approved Bicycle Parking**

<b>Multi-family Building Number</b>	<b>Applicable Residential Units</b>	<b>Short Term Spaces</b>	<b>Long Term Spaces</b>	<b>Total Spaces</b>
1	116	2	56	58
2	48	2	22	24
3	45	2	20	22
4	89	2	43	45
	298 units	8 bike spaces	141 bike spaces	149 bike spaces

*Loading*

Designated off-street loading is not required for the 1,740 square foot retail use. Required loading for the multi-family apartment buildings will occur in the Site’s Key West Avenue surface parking lot, with temporary parking closures on an as-needed basis.

*Parking Lot Landscaping and Lighting*

Per Section 59.6.2.9.C.1, a surface parking lot with 10 or more spaces must have landscaped islands that are a minimum of 100 contiguous square feet each comprising a minimum of 5% of the total area of the surface parking lot. The Site Plan complies with

the 5%, or 8,289 square feet minimum requirement by providing 22% of the parking lot area with new landscaping.

Per Section 59.6.2.9.C.2, each surface parking lot must maintain a minimum tree canopy of 25% coverage at 20 years of growth, as defined by the *Planning Board's Trees Technical Manual*. A total of 40,783 square feet (25%) of total pavement area must be shaded, whereas the Site Plan complies with 40,783 square feet (25%) for shade.

The Site Plan complies with Section 59.6.2.9.C.3 for perimeter plantings along the portion of the Property's parking lot that abuts the right-of-way which must be a minimum of six-feet-wide. However, included within the approved Parking Waiver the Planning Board grants the Applicant's request for a waiver from Section 59.6.2.9.C.3 of the Zoning Ordinance requirement for perimeter planting to have a canopy tree planted every 30 feet on center which cannot be met due to a utility easement. Along the edge of the 50-foot-wide utility easement, no canopy trees will be planted. The remaining canopy trees are planted outside of the utility easement within the parking lot as shown on the Site Plan.

To comply with Section 59.6.2.9.C.4, parking lot lighting, the Plan installs new light fixtures with house shields throughout the surface parking lot that are appropriately spaced and oriented to reduce light glare. The Site Plan meets the intent of these parking lot requirements and will not have adverse impacts on the existing community character but will rather enhance safety within the Site.

iii. *Open Space and Recreation*

Per Section 59.6.3.1 of the Zoning Code, the Application provides the common open space based on requirements for building types within CR zones. The Application also satisfies the Master Plan requirement of 15% of the tract to be provided as public use space.

The Site Plan provides two (2) new privately owned public open spaces known as the 0.50-acre civic green which will feature a grassed area and landscaping for passive activities and the 3.17-acre park with a playground and rectangular athletic field for

active activities. The existing stream valley buffer area, that will be placed under forest conservation protection, offers 3.14-acres of green area with natural surface trails and mature trees that provide environmental benefits. The mews are counted for the remaining areas of open space.

Following the requirements of Section 59.6.3.9 of the Zoning Ordinance and the M-NCPPC's Recreation Guidelines the Applicant is providing an adequate supply of recreation facilities including bicycle facilities, a clubhouse with pool, lawn areas, group seating, and grilling areas in addition to the other facilities.

iv. *General Landscaping and Outdoor Lighting*

The proposed landscaping and lighting satisfy all applicable standards of Division 6.4 of Chapter 59 of the Zoning Code and elements of the 2010 *GSSC Urban Design Guidelines*.

All proposed 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 Site illumination levels, energy efficiency, and pole mounted height meet the minimum standards to ensure visibility and public safety, and enhance the buildings architecture, and spaces in between the buildings for pedestrian and bicycle usage. The periphery of the Site and shared-use paths will utilize the existing cobra-head light poles located along Great Seneca Highway and Key West Avenue.

The *GSSC Urban Design Guidelines* recommend various elements at proposed CCT transit plaza, related to lighting including to maximize sunlight exposure and the use of special lighting to create ambiance and a unique setting (page 13). The Site Plan does not include such lighting; however, lighting could be installed in the future if the CCT station is implemented. The civic green is oriented within the Site to maximize natural daylight.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on June 24, 2021. The plan will meet stormwater management requirements through the use of environmental site design (“ESD”) techniques that will filter and retain stormwater on-site such as micro-bioretenion areas, flow-splitters, corrugated metal pipe detention units, and cartridge treatment facilities.

b. Chapter 22A, Forest Conservation

The Board finds that as conditioned the Forest Conservation Plan complies with the requirements of the Forest Conservation Law and is in conformance with the Planning Department’s Environmental Guidelines.

*Environmental Guidelines*

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) was approved for the Site on May 29, 2019. The Site slopes from northwest to southeast to a stream that crosses the eastern side of the Property parallel to Great Seneca Highway. There are 720 linear feet of stream channel on the Site, along with 3.35 acres of stream buffer. The stream drains to the Muddy Branch, which is a Maryland State Use Class I-P stream. There is no 100-year floodplain on the Property. There is a small area of wetlands (0.09 acres) associated with the stream channel. The Site contains 8.58 acres of forest and includes a number of specimen-size trees.

The approved Preliminary Plan included just over 0.8 acres of stream buffer encroachment where Blackwell Road extended enters the eastern side of the Site. The Environmental Guidelines state that “No buildings, structures, impervious surfaces, or activities requiring clearing or grading will be permitted in stream buffers, except for infrastructure uses, bikeways, and trails found to be necessary, unavoidable, and minimized by Park and Planning Department environmental Staff working closely with the utility or lead agency” (Section V.A.1.(b)), and that “Only unavoidable road crossings will be permitted in the stream buffer when it is clearly demonstrated that no feasible alternatives exist, and every effort is made to locate road alignment and/or utilities to create the least disturbance to existing vegetation, grade, wetlands, trout spawning areas in Use III watersheds, etc.” (Section V.A.1(f)). This road extension is required by the GSSC Master Plan. The location is fixed by the location of the existing

intersection of Blackwell Road with the east side of Great Seneca Highway. The road extension must align with the road intersection for safe and efficient circulation; therefore, there are no feasible alternatives to this road alignment. Park and Planning environmental Staff worked with the Applicant to reduce the paving to only what is necessary to safely convey the road and accompanying bicycle lanes. Engineering work performed with the preparation of the Site Plan determined that additional encroachment would be required for infrastructure to safely convey the stream through a culvert under Blackwell Road extended and associated grading to tie the slopes into the existing grade. This work increases the stream buffer encroachment by approximately 0.2 acres, bringing the total encroachment to about one (1) acre. Staff met with the Applicant in the field to review the proposed changes and concurs that the additional encroachment is required for the road and its associated infrastructure. Based on the review of the Master Plan required road and associated infrastructure, the Site Plan follows the Environmental Guidelines.

#### *Final Forest Conservation Plan*

The approved Preliminary Forest Conservation Plan (PFCP No. 120200100) calculated that 5.87 acres of forest would need to be cleared for development, including some off-site disturbance. Based on the forest removed, net tract area, zoning, and 2.97 acres of forest retention, the preliminary reforestation and afforestation requirement was calculated to be 11.74 acres. A variance was approved with the PFCP to remove five (5) variance trees and to impact, but save, a sixth variance tree. The PFCP approval included a condition of approval requiring mitigation to replace the lost form and function of the variance trees removed. Specifically, the Final Forest Conservation Plan must show the on-site planting of native shade trees totaling at least 40.25 caliper inches using planting stock of no less than three inches caliper, each. As conditioned, the Certified Final Forest Conservation Plan must show locations for those trees approved by M-NCPPC Staff.

The Final Forest Conservation Plan reflects changes from the PFCP that result from Preliminary Plan conditions of approval requiring additional frontage improvements that change the Net Tract Area from 47.04 acres to 47.60 acres. Additional engineering changes the amount of forest cleared from 5.87 acres to 5.85 acres, and changes forest retained from 2.97 acres to 3.00 acres. These changes result in a change in required reforestation from 11.74 acres in the PFCP to 11.70 acres in the FFCP. The submitted FFCP seeks 1.01 acres of landscape credit for tree cover on the site, which could reduce the 11.70-acre reforestation requirement. However, the trees



identified on the submitted plans for forest conservation credit overlap with trees that fulfill landscape requirements mandated by the Zoning Ordinance. Per Forest Conservation Regulation 22A.00.01.08.G(2), "Trees receiving credit towards forest conservation requirements must not also be credited towards landscaping requirements." Therefore, forest conservation credit cannot be granted for these trees. Should the Applicant pursue other landscape credits for tree planting on the Site, they must comply with all applicable requirements of the law and regulations. The locations of trees planted for landscape credit must be shown on the plans demonstrating that they comply with the law and regulations, and a table must be provided showing a separate accounting for trees provided in fulfillment of zoning requirements and trees granted forest conservation credit.

#### *Noise Guidelines*

The Application included a Noise Analysis as required by Condition No. 16 of the Preliminary Plan Resolution. The Phase I Noise Analysis shows that the open space areas adjacent to Great Seneca Highway will be below 65 dbA Ldn, as required by the Preliminary Plan conditions of approval. Interior open spaces will all be below 60 dbA Ldn. To meet compliance with the Planning Department's Noise Guidelines, all residential building interior spaces must not exceed 45 dbA Ldn. The noise analysis indicates that 60 townhomes, 4 (four) two-over-two multi-family units, and residential units within buildings 1 and 4 will be exposed to exterior noise levels above the 60 dbA Ldn threshold. These units will require further analysis to determine if higher noise-mitigating building materials and construction techniques will be required to keep interior noise levels below the 45 dbA Ldn requirement. Conditions of approval are imposed on the Site to require this analysis and compliance with the Noise Guidelines.

- 6. The development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.*

The roadway layout for the Site provides safe and efficient access to existing roads and to maximize public open areas. The minimum required parking for each proposed townhouse and two-over-two multi-family units will be provided on each lot via a private garage. The garages will provide adequate parking without dominating the streetscape. The roadway network will improve connectivity and access points into surrounding developments by extending Medical Center Drive, from its current terminus to the east, and by adding several new public roads and alleys.

The Site is accessible via master-planned connections at Blackwell Road and Great Seneca Highway; Key West Avenue and Medical Center Drive; and Great Seneca Highway and Medical Center Drive. Most of the townhouses and two-over-two multi-family units within the Project will be served by 20-foot-wide-private-alleyways. All other streets within the Site will be public streets. The Preliminary Plan approved the dedication of rights-of-way for the construction of seven (7) roadway segments: Public Street A, Public Street B, Public Street C West, Public Street C East, Public Street D, Medical Center Drive, and Blackwell Road, which are described below. The Preliminary Plan included a waiver for right-of-way modifications for all proposed streets except for Medical Center Drive, which MCDOT has accepted as allowed in the County Code Section 50 4.3.E.2.a.

The Site Plan will satisfy the minimum requirements for vehicular parking, bicycle parking, queuing, and loading. At the northern end of the Property, Public Street A terminates into the parking lot for the four (4) multi-family apartment buildings. Public Street B is an essential connection between the public use space at the corner of Medical Center Drive and Great Seneca Highway and the multi-family apartment buildings. While the surface parking lot is adjacent to Key West Avenue, all of the internal streets within the development are framed by buildings or open space in a compact development pattern. With respect to constraints due to an existing gas main easement along the Property's entire Key West Avenue frontage and the internal design of the parking lot which is Code compliant in terms of access aisle widths and spacing for landscape islands, the parking satisfies the intent of the CR Zone as cited in Section 59.4.5.1.A.30. The surface parking lot also proposes two sidewalks that connect to Key West Avenue to support porosity and safe pedestrian circulation.

The Applicant will construct the planned roadway connections required through the property, outlined within the *Master Plan of Highways and Transitways* and the 2010 *Great Seneca Science Corridor Master Plan*. As a means of establishing the Key West Avenue and Medical Center Drive intersection that would provide access into the Site and tie directly with the existing Key West Avenue and Johns Hopkins Drive intersection, the existing driveway for the property at 9850 Key West Avenue will be removed. In its place to maintain access into the neighboring property, new ingress and egress will be provided from the Medical Center Drive extension into the 9850 Key West Avenue Property's existing surface parking area. The Applicant will provide a right turn lane into the neighboring property, facilitating right-in and right-out access, as well as a travel lane for southbound vehicles. In order to reduce conflicts between multimodal travel, the proposed temporary median along Medical Center Drive will be closed to prevent left turn movements.

*Protected Intersections*

As conditioned, the Applicant must design and provide protected intersections at the following locations: 1) Great Seneca Hwy. and Medical Center Dr.; 2) Great Seneca Hwy. and Blackwell Rd.; 3) Great Seneca Hwy. and Key West Ave.; 4) Public Street D and Medical Center Dr.; 5) Medical Center Dr. and Blackwell Rd.; and 6) Medical Center Dr. and Key West Ave. The Applicant should utilize agency coordinated design criteria and tools that become available to satisfy the criteria for the protected intersections, subject to the review of the Department of Permitting Services.

*Public Roadways and Pedestrian and Bike Access*

The master-planned rights-of-way align with Preliminary Plan No. 120200100. Currently, there are no bicycle and pedestrian accommodations along the existing sections of Key West Avenue or Great Seneca Highway that frame the Site. Where sidepaths are not present, streets are proposed with six-foot wide sidewalks and adequate separation of six or more feet between the sidewalk and the roadway curb.

**Great Seneca Highway:** There are no master-planned widenings necessary for this existing 150-foot wide six-lane Controlled Major Highway. Per the 2018 *Bicycle Master Plan*, the Application provides a sidepath along the west side of the roadway adjacent to the Site and adequate separation no less than six-feet wide between the facility and the roadway.

**Key West Avenue:** This road is master-planned as a 200-foot wide eight-lane Controlled Major Highway and currently constructed as a six-lane 150-foot-wide roadway. Through the Preliminary Plan, the Applicant dedicated the required 25 feet; however, the construction of an eighth lane with this Project was not requested by the Planning Department due to the new direction of the Complete Streets Design Guide, which does not envision roads larger than six lanes. State Highway Administration (SHA) concurs with this approach. The Proposal provides the 2018 *Bicycle Master Plan* required ten-foot-wide sidepath, which will include separation of no less than six-feet wide between the facility and the roadway.

**Medical Center Drive:** This master-planned roadway between Great Seneca Highway (MD 119) and Key West Avenue (MD 28) will be four (4) lanes with a 150-foot-wide roadway to accommodate separated bicycle lanes, the Life Sciences Center Loop Trail, and two future transit lanes.

Blackwell Road: Per the *GSSC Master Plan*, the Site Plan extends the roadway from its current terminus through the Subject Property and the adjacent Shady Grove Professional Center, terminating at Darnestown Road opposite to Yearling Drive. The extension is master-planned as a two-lane 80-foot-wide Business District Street with one-way separated bike lanes on each side of the street. The Preliminary Plan approved dedication and construction of a 73-foot section, which accommodates the two-lanes, on-street parking, six-foot tree panels, the separated bicycle lanes, and two six-foot sidewalks.

The Site's new internal street grid, as approved in the Preliminary Plan, meets the intent of the *GSSC Master Plan*. Parcel B, Block A, which would require revisions to the Applicant's surface parking lot, and Parcel F, Block F will be recorded to allow future connections to improve the porosity of the street grid (Preliminary Plan Conditions No. 39 and No. 40). An additional master planned bikeway is oriented on the eastern side of Public Street D which provides pedestrian and bicycle connectivity between Darnestown Road and the Site.

### *Transit*

In the *GSSC Master Plan*, the PSTA Site was identified as a location for a station stop envisioned for the master-planned Corridor Cities Transitway (the "CCT"). Per MCDOT's letter for the Preliminary Plan approval, the Applicant will need to coordinate with MCDOT regarding the latest plans for the CCT. While the final plans for the CCT are presently uncertain, the Subject Property may experience increases in existing transit service through other means. The *I-270 Corridor Forward Transit Plan* ("Corridor Forward") underway is assessing the potential of Corridor Connectors as an alternative re-envisioning of the master planned Corridor Cities Transitway and includes a proposed connector on Medical Center Drive. Additionally, the Montgomery County Department of Transportation envisions proximate service via its proposed Great Seneca Science Transit Network. As Corridor Forward and the Great Seneca Science Transit Network advance, service proposals will be developed that may support future residents of the PSTA Site.

### *Building Massing and Architecture*

A maximum of 150 feet is permitted for principal buildings within this CR Zone. The tallest building height is 75 feet. Along with height, architectural plans for the Project address key features such as placement, building fenestration, and pedestrian walkways. With the conditions of approval integrated into the final elevations, the proposed architecture is in keeping with the character of the surrounding neighborhood. More importantly, the architectural details also aid

in breaking down the large mass of block-long multi-family apartment buildings to the north of the existing Site.

#### *Open Space and Site Amenities*

As previously noted, the Applicant is required to provide 10% open space based on requirements for building types per Section 6.3.2 of the Zoning Code and the Master Plan recommendation for 15% public use space as a portion of the overall tract. Other site amenities will enhance the development with recreational elements for active and passive activities, such as buffered sidewalks, bicycle facilities, parking lot lighting, and landscaping. The Applicant will also construct the master-planned Life Sciences Loop Trail along the new Medical Center Drive which will eventually enhance mobility options and connect all five of the LSC Districts in accordance with the *GSSC Master Plan*.

7. *The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

The Master Plan includes specific recommendations for the PSTA Site as well as general recommendations for the LSC West District. While also complying with the requirements of the zoning district, the Site Plan remains in substantial conformance with the major recommendations within the 2010 *Great Seneca Science Corridor Master Plan* ("Master Plan"), as listed and summarized below.

#### LSC West: A new Residential Community

The Master Plan provides a blueprint to transform the Life Sciences Center (LSC) into a vibrant place served by transit and enhanced by activating uses, open spaces, and amenities. Specifically, the Master Plan states to: "replace the Public Safety Training Academy (PSTA) in the LSC West District with a new residential community that includes supporting retail, open spaces, and community facilities." Mandatory Referral No. MR2021030 addressed the disposition of the public property for private redevelopment.

#### Density and Building Height

The Master Plan dictates that residential buildings with the most density and height should be adjacent to the CCT station (pg. 38). In accordance with this recommendation, the Site Plan design locates the proposed multi-family apartment buildings and two-over-two multi-family units near the future CCT stop on the Property's Medical Center Drive frontage. At this same location, the Project also includes a space for retail and a central civic green, as envisioned by the *GSSC Master Plan*. While the Project's overall density is not as intense as what was originally envisioned by the *GSSC Master Plan* or the initial PSTA



Concept Plan, the proposed density complies with the CR zone's mapped density and as approved in the Preliminary Plan. Buildings within one-eighth mile of the future CCT stations should be at least 60 feet high. In all other areas, the desired minimum building height is 36 feet (three stories of occupied space) in order to retain land for future higher densities (pg. 16). The Project's building heights for the multi-family units closest to the future CCT station as 75 feet high.

#### Affordable Housing

Per the *GSSC Master Plan*, "A range of housing options and amenities is needed to support this development and help achieve County housing goals, including Moderately Priced Dwelling Units and workforce housing." The Project consists of a mix of townhouses, two-over-two multi-family units, and multi-family apartments that are located in close proximity to existing and future transit options, including the planned CCT station at the civic green. The Application will provide 30% MPDUs which is a requirement of Montgomery County for the disposition of public land for private redevelopment. The updated MPDU locations and counts were approved by MCDHCA and consistent with Preliminary Plan expectations.

#### Public Facilities

The *GSSC Master Plan* recommends the inclusion of an elementary school on the PSTA Site, as needed, and possibly combined with a local park which should be large enough to accommodate a regulation size rectangular field (pg. 38). Coordination occurred during the Preliminary Plan review process between the Planning Department, Park Planning and Stewardship, Montgomery County Public Schools (MCPS), Montgomery County Department of General Services (MCDGS), and the Washington Suburban Sanitary Commission (WSSC). It was determined that abutting Parcel V could be the location for a potential school site, which is not within the footprint of the PSTA Site or this Subject Application. Parcel V is approximately 6.5 acres and is owned by Montgomery County and is the existing location of the National Cybersecurity Center of Excellence. Detailed planning and design of the school site would occur in the future, if necessary. The PSTA Site Plan proposes a 3.14-acre park at the intersection of Great Seneca Highway and Medical Center Drive which includes a rectangular field that is tied to the school/park recommendation. No further action under the Subject Application is necessary for this master plan consideration for a school site.

#### Public Open Space

The Master Plan states the LSC will have an open space system that incorporates the area's natural environmental features into a larger network, connecting destinations by paths and trails, and providing opportunities for a

range of outdoor experiences. Additionally, page 38 of the Master Plan states “.....*In addition to the park/school site, development should be accompanied by a new urban park to serve as the central civic open space for the residential community. This public green space should be near the CCT station and one-half to one acre in size to create a gathering place and focal point for the community.*”

The *GSSC Master Plan* has a higher standard for public use space, with a 15% requirement, compared to the Zoning Ordinance requirement for 10% of the site area as open space. The Application provides over 7 acres of public use space under private ownership, equating to 16% of the tract, within the footprint of the Subject Property. These spaces include the preservation of the existing stream valley area, a civic green, and a 3.14-acre park with a youth-sized athletic field. The proposed public use space is also connected to a system of existing and new sidewalks and a LSC Loop a 3.5-mile shared-use trail that is the signature feature of the LSC West District. The Site Plan complies with the Master Plan recommendation for public use space and the zoning requirement for common and public open space and remains in conformance with the Preliminary Plan.

#### Urban Form and Open Spaces

Some urban form and open space recommendations that apply to the Subject Property include the following:

- Concentrate the highest density and building heights (150 feet) near the CCT station.
- Create the LSC Loop Trail along Medical Center Drive and Decoverly Drive to connect pedestrians with other transit centers, the network of natural pathways along the stream buffers, and the open spaces.
- Include the following public open spaces:
  - LSC Loop Trail
  - stream buffers that may include natural surface trails
  - urban square at the CCT station
  - urban promenade connecting buildings
  - Provide at least 20 percent of the net tract areas as public use space.
- Buildings and residential entrances oriented to streets.
- Visible retail focused at CCT stations.

Accordingly, each proposed apartment building and townhouse has been oriented towards each fronting park or public right-of-way. Additionally, the 1,740 square feet of retail has been co-located within the apartment building closest to the proposed civic green and is highly visible to the future CCT station.

### Transit

The *GSSC Master Plan* envisions new public transportation options, including the Corridor Cities Transitway and the LSC Loop Trail. Accordingly, the Project proposes improvements that will enhance access and convenience to transit options and increase bicycle and pedestrian connections to various modes of transit. New side paths along Key West Avenue and Great Seneca Highway will complement existing sidewalks to connect to bus stops and to the CCT station stop located at the intersection of Medical Center Drive and Blackwell Road.

a. Environment

The *GSSC Master Plan* provides 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 such as reduced impacts to natural resource areas, minimization of environmental impacts from new roads, and the use of forest and tree planting to enhance and expand existing resources. The Master Plan recommends that impacts to the forested area at the corner of Great Seneca Highway and Key West Avenue be minimized (pg. 39). The Site Plan meets the intent of the Master Plan by preserving and protecting the stream valley area on the Site. New roads, parking areas, and buildings comply with the Planning Board's Environmental Guidelines and do not encroach into sensitive areas.

### Stream Buffer and Water Quality

Per the Master Plan, "*The LSC's existing stream buffer areas should be integrated with the [LSC] Loop, offering passive outdoor experiences.*" The protection of the 3+ acres of forested stream valley buffer area as shown on the Final Forest Conservation Plan contributes to climate resiliency and biological diversity. This stream buffer area will also have a connection to the LSC Loop Trail via a network of sidewalks and internal natural surface trails.

To protect water quality, the Master Plan includes recommendations such as using techniques included in Environmental Site Design and landscaping with native plants. These goals are being met by a combination of forest conservation, street trees, and landscaping requirements, all of which are native plant species. New tree plantings contribute to increasing tree canopy throughout the Site including through the incorporation of some tree canopy into the surface parking lot (minimum of 25% coverage) and portions of the

LSC Loop Trail along Medical Center Drive. The Site Plan also proposes to incorporate Environmental Site Design to the maximum extent practical with the use of micro-bioretenion areas and other techniques to assist with filtering and retaining water on-site.

With conditions of approval, the Site Plan meets the intent of the Forest Conservation law, the Environmental Guidelines, and the *GSSC Master Plan*. During the Preliminary Plan the Applicant was conditioned to pursue additional sustainable features to enhance the development, particularly with the four (4) multi-family buildings, including energy conservation and building design features that keep roofs cool, to further the Master Plan's recommendations. No additional sustainability measures are proposed with this Site Plan due to the multi-family buildings architecture with pitched roofs. Overall, the Site Plan remains in substantial conformance with the environmental conditions of the Preliminary Plan approval imposed on the Site.

b. Transportation

To accommodate vehicular circulation through the Property and to surrounding roads, the Preliminary Plan confirmed the dedication of rights-of-way and the Site Plan proposes construction of seven (7) public roadway segments and related infrastructure: Public Street A, Public Street B, Public Street C West, Public Street C East, Public Street D, Medical Center Drive, and Blackwell Road.

8. *The development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required.*

As confirmed in Preliminary Plan No. 120200100 the Project will be served by adequate public facilities (APF), including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. The APF validity period was previously approved for ten years from the date of the Preliminary Plan Resolution and remains valid. The impact of the development proposed by this Application is equal to or less than what was approved by the Preliminary Plan. The APF determination was approved for 1,039,136 square feet of residential uses up to 290 lots and up to 35 parcels for up to 630 dwelling unit(s) and a maximum of 1,740 square feet of commercial uses. A detailed analysis of the adequate public facilities review is available in MCPB Resolution 21-082.

9. *On a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood.*

The Subject Property is located within the CR Zone; therefore, this section is not applicable.

10. *On a property in all other zones, is compatible with existing and approved or pending adjacent development.*

The Project is compatible with existing and approved adjacent development. The character of the surrounding neighborhood is mixed, but largely of a nonresidential character as defined by the Master Plan's existing conditions. A significant portion of the surrounding area is dedicated to employment primarily for life science and institutional uses. The mixed-use development Project complements the character of this area by introducing 630 residential uses in close proximity to the existing employment and institutional uses to create a greater mix of complementary uses that are accessible to existing and future transit.

The Wootton Crest townhome community abuts the Property to the southwest. The Project will achieve compatibility with the Wootton Crest townhome community by locating only townhouse units abutting the shared property line. While screening requirements do not apply for this property line that abuts this existing community, the Project includes the retention of some mature forest along the shared property line. Additionally, a new hedgerow will be planted along the PSTA Site's southwestern boundary that will provide a greater degree of separation between the two residential communities.

Compatibility with existing abutting land uses is also achieved via multi-modal connections between the PSTA Site and proposed and future infrastructure improvements defined by the Master Plan. The Site Plan includes new sidewalk and bikeway connections that will eventually tie into the broader master-planned Life Sciences Center.

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 APR 11 2022 (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Rubin, seconded by Vice Chair Verma, with Chair Anderson voting in favor at its regular meeting held on Thursday, April 7, 2022, in Wheaton, Maryland.



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Casey Anderson, Chair  
Montgomery County Planning Board