



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

Staff Report: Site Plan 820100090, National Cancer Institute

ITEM #: _____

MCPB HEARING DATE: July 15, 2010

REPORT DATE: July 2, 2010

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Robert Kronenberg, Supervisor *RK*
Development Review Division

FROM: Joshua Sloan *JS*
Development Review Division
301.495.4597
Joshua.Sloan@mncppc.org

APPLICATION

DESCRIPTION: 742,936 square feet of commercial research and development uses, including 9,998 square feet of retail uses on 41.08 acres in the LSC Zone. Located in the southeast quadrant of the intersection of Key West Drive and Medical Center Drive within the Great Seneca Science Corridor Sector Plan area.

APPLICANT: JBG/Rockville NCI Campus, LLC

FILING DATE: April 19, 2010

RECOMMENDATION: Approval with conditions

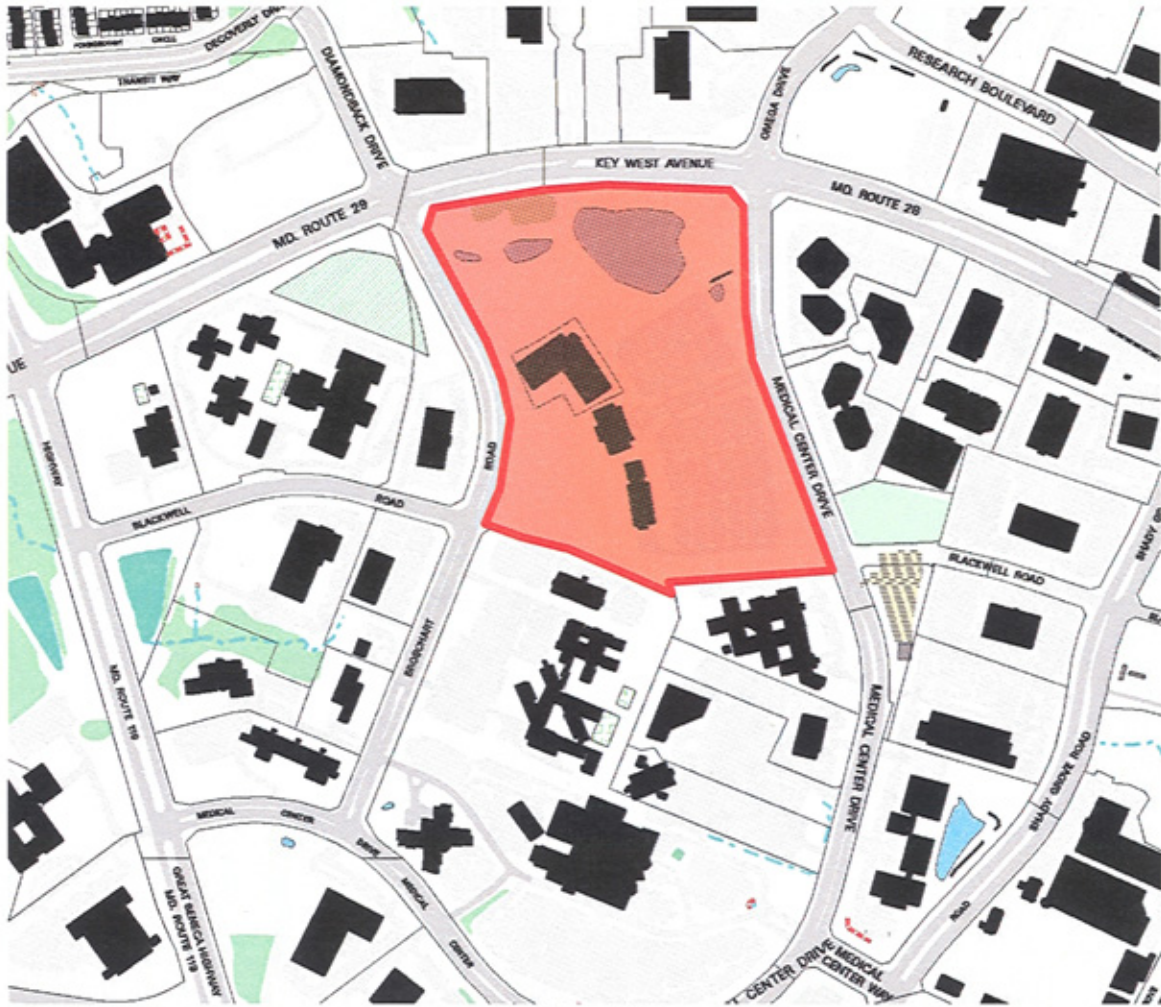
EXECUTIVE

SUMMARY: Detailed site plan finalizing approval of the conceptual site plan #81986065B for a scientific research and development facility for the National Cancer Institute, including the main building, parking facilities, and ancillary retail uses in the Gaithersburg Life Sciences Center. The proposed development will begin the transition of the Life Sciences Center from the old master plan to the recently approved and adopted Sector Plan by providing greater densities and a stronger focus on pedestrian and transit access, balanced density and uses, and economic and environmental sustainability.

SITE DESCRIPTION

Vicinity

The subject site is located within the Shady Grove Life Sciences Center, which is part of the Great Seneca Science Corridor Master Plan area. The property is flanked by Key West Avenue (MD 28) to the north, Broschart Road to the west, Medical Center Drive to the east, and the future Blackwell Road connection to the south.



Vicinity Map

The surrounding properties are primarily improved with buildings, housing research and development uses within the Life Science Center (LSC) zone. These uses include Shady Grove Adventist Hospital, Key West Research Center, Noyes Children's Center, Discoverly Industrial Park, and the Shady Grove Industrial Center.

Interstate 270 is located approximately ½ mile to the east directly up Shady Grove Road; the adjacent Broschart Road will accommodate the planned Corridor Cities Transitway with a probable stop at the southwest corner of the subject site.

Site Analysis

The 41 gross-acre site is currently occupied by three 3-story structures with 216,165 square feet of research and development commercial uses and several fields of surface parking. A large stormwater structure is located near the intersection of Key West Avenue and Medical Center Drive; further improvements to this retention pond will allow this facility to double as an amenity for the existing and proposed campus uses.



Aerial Photo

There are no known rare, threatened, or endangered species on site; there are no forests, 100-year floodplains, stream buffers, wetlands, or steep slopes on site. There are no known historic properties or features on site.

PROJECT DESCRIPTION

Previous Approvals

Preliminary Plans

Preliminary Plan 119861150 was approved on April 9, 1987 for the creation of one lot on 35.57 net acres and 375,000 square feet of research and development (R&D) uses. Amendment 11986115A was approved on October 18, 2007 to allow an additional 519,636 square feet of R&D commercial uses for a total of 894,636 square feet.

Preliminary plan amendment 11986115B was approved on March 29, 2010 and modified two conditions relating to the timing of road and signal improvements and the completion of a Transportation Mitigation Agreement.

Site Plans

Site Plan 819860650 was approved on August 13, 1986 for a conceptual master plan with up to 375,000 square feet of R&D uses to be built over several phases and a detailed site plan for Building I, which houses 44,000 square feet of academic and administrative uses. Site plan 819990050 allowed the addition of 50,000 square feet in Building III with academic uses consistent with the original conceptual master plan.

An amendment to the conceptual master plan was approved on February 25, 2003 for additional development that brought the total allowable density to 894,636 square feet. This amendment was reviewed concurrently with site plan 820030160 for 122,165 square feet of R&D development in Building II.

The last amendment to the conceptual master plan, 81986065B, was approved on April 9, 2010 allowing the reconfiguration of Buildings V and VI, parking structures, parking areas, and internal streets. Building IV will be built in a later phase.

Proposal

The proposed site plan provides detailed development for Buildings V and VI, internal streets, landscaping, and Parking Deck C. The application is substantially consistent with the approved concept plan 81986115B recently reviewed by the Planning Board.

In sum, the current proposal is being reviewed under the approvals received thus far and will be limited to 512,278 square feet of additional R&D commercial uses in Buildings V and VI and 11,960 square feet of commercial retail space incorporated into the structure for Parking Deck C. Total development would result in 740,403 square feet; less than the total allowed under previous approvals and the LSC zone.¹ A total of 154,233 square feet of development will remain un-built but allowed under the previous approvals but would require additional site plan approvals prior to construction.

¹ The LSC zone has been revised since this Application was filed (allowing greater density and more flexibility regarding setbacks, but the Applicant has chosen to proceed under the standards in effect when the Application was filed.



Illustrative Plan

Buildings I, II, and III will remain along the internal north-south spine. The proposed 8-story buildings V and VI would be set on a large terraced (for security reasons) pediment just south of the existing stormwater pond on what is now a surface parking lot. Roughly forming a “V” facing north, these buildings will be linked by a 3-story connection that faces south towards a large entry area and north toward an internal green space. The entry area will use plantings, special paving, and an oval to denote the pedestrian connection between the southern and northern halves of the site.

The 1955-space parking garage supporting these buildings runs parallel to Medical Center Drive to Blackwell Road. The northeast corner of the parking structure will house three retail bays with dedicated parking accessed by a right-in/right-out drive on Medical Center Drive. Access to the parking structure, except for the retail spaces, is proposed from Blackwell Road and from an internal parking lot. Loading and security inspection areas for Buildings V and VI are located near the northwest corner of the proposed complex. Although most of the buildings can be accessed from internal drives, limited-access drives that are to be paved with turf stone to provide access for fire and rescue vehicles are proposed from Medical Center Drive and along the front of the retail stores.

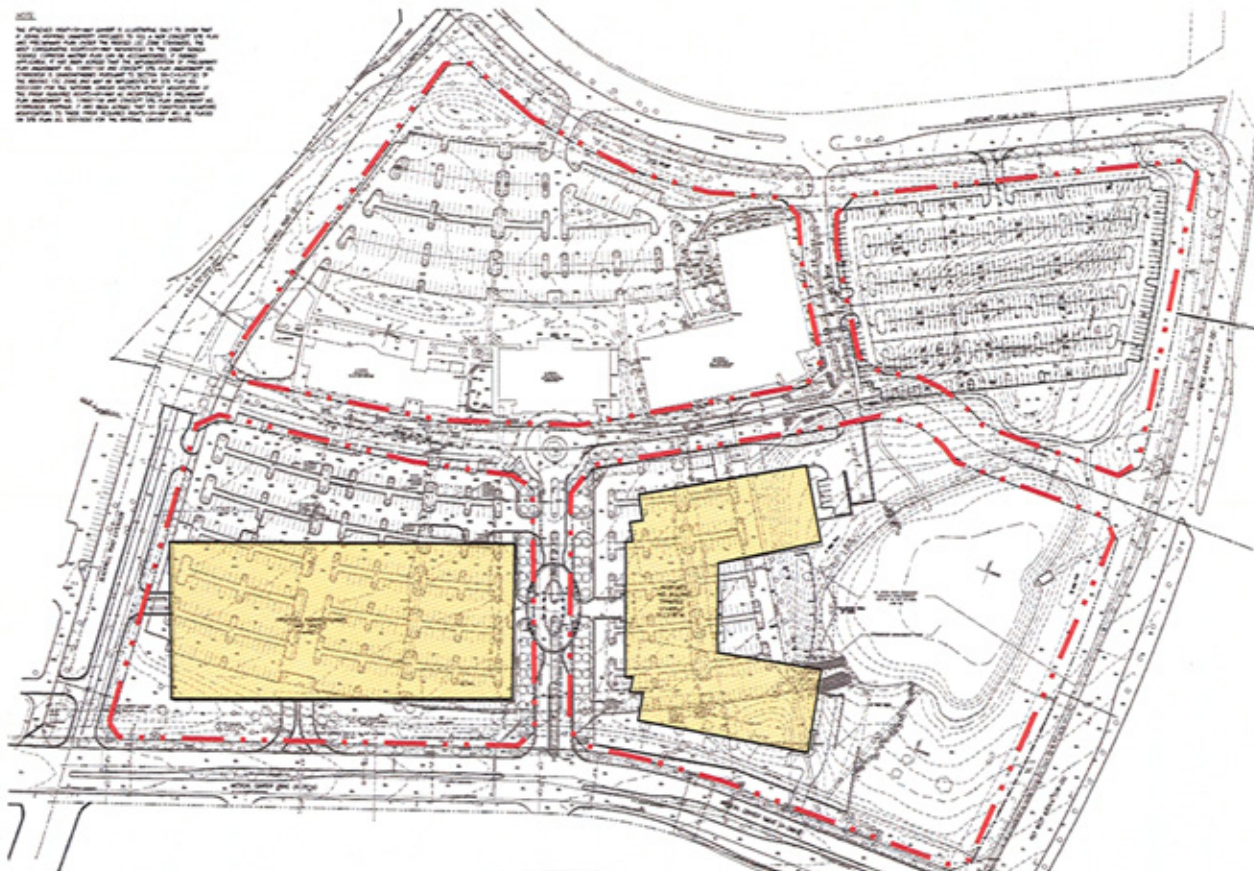
Internal streets will be improved with sidewalks, lamps, and trees, many of which now exist and will be saved during construction. A green roof will cover the connecting building between Buildings V and VI and green walls will be used against the sides of the parking garage. The eastern side of the site, between the structures and the sidewalk, will be heavily planted with various trees and the entrance and terrace level around the new building will be landscaped with foundation and ornamental plantings.

PROJECT ANALYSIS

Master Plan

The subject site is located within the boundaries of the newly approved Great Seneca Science Corridor Sector Plan. This development is an early piece of the scientific education, research, and development hub envisioned by the Plan. The layout, landscape treatment, pedestrian connections, and uses are consistent with the Plan. The structured parking, in particular, is an important aspect allowing greater density in less space at the center of the Plan area on a site that has a planned Corridor Cities Transitway stop.

Although being developed according to approvals that pre-date the new Sector Plan, analysis of the new proposed rights-of-way was undertaken with the Preliminary Plan to ensure that future phases will continue to enhance the pedestrian-orientation and street pattern laid out in the new Plan. This analysis is limited, however, to ensuring that the road pattern works in concept but can still be refined during later phases.



Conceptual Future R.O.W. Exhibit

Transportation and Circulation

Traffic mitigation, transportation improvements, and general circulation analysis were performed during the previous preliminary plan and site plan amendments. With respect to traffic circulation on and adjacent to the subject site, most traffic will enter the site from Medical Center Drive midway along the property’s frontage or from Blackwell Road to the South. Another access is provided via the existing drive from Broschart Road. Internal circulation will remain private until further phases detail any rights-of-way and street connections per the newly approved Sector Plan.

Sidewalks and crossings are provided along all streets and throughout the subject property. Most of these will serve employees, students, and visitors, not the general public, except for the retail bays facing Medical Center Drive. Landscaping, lighting, bike racks, and lockers are provided along all pedestrian routes and at employee entrances.

Parking needs will be served by the new parking garage and by existing and improved surface parking lots.

Environment

As mentioned in the Site Analysis, there are not many environmental features on the subject site. The site is exempt from the requirements of forest conservation law because it was approved

prior to the creation of the law. Stormwater is being treated on site with a detention pond, sand filters, bioretention structures, and green roofs. The minimum green area and parking green space requirements are exceeded by the proposed development.

Development Standards

The subject site is zoned LSC and this proposal is being analyzed under the standards in effect when the application was submitted. The purpose of the LSC Zone is to provide bioscience and research and development uses with supporting ancillary uses. The proposed development meets the purpose and requirements of the zone as detailed in the Findings section of this report.

The following data table indicates the proposed development’s compliance with the Zoning Ordinance.

Project Data Table for the LSC Zone

Development Standard	Permitted/Required	Proposed for Approval
Gross Lot Area (acres)	n/a	41.08
Net Lot Area (acres)	n/a	35.57
Floor Area Ratio	0.5 (894,636 sf)	0.41 (740,403 sf) ²
Building Coverage (% of net lot)	25	10.3
Building Height (feet)		
Buildings V & VI	100	100
Parking Deck C	100	60
Building Setbacks (feet)		
Blackwell Road	25	25
Medical Center Drive	50	55
Key West Avenue	50	320
Green Area (% of net lot)	25	37
Parking Facility Internal Landscaping (%)	5	15
Parking Spaces (for current application)	1528	1955

² The remaining available density is 154,233 under the current and previous approvals, but would require site plan approval prior to construction.

COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing, and submission meeting requirements. Staff has not received correspondence on this application.

FINDINGS

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 was required for the subject 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.*

The proposed use is allowed in the LSC Zone and the site plan fulfills the purposes of the zone by providing scientific research and development uses with ancillary retail space.

As the project data table on page 8 indicates, the site plan meets all of the development standards of the zone. With respect to building height, setbacks, and density, the proposed development is at or under all the maximum standards allowed. With respect to green space, the proposed development provides 50% more green space than required allowing for a greater amount of permeable surface and landscaped open space.

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

The buildings and structures of the proposed development are located along Medical Center Drive with a reasonable setback for landscaping and security needs. These locations still provide easy access to the building from adjoining sidewalks and parking and will allow for future development of the site in keeping with the recently approved Sector Plan. Staff finds the locations of the buildings and structures to be safe, adequate and efficient, while meeting the aesthetic objectives of the area.

The open space that is provided is appropriate for the setting and will serve employees and visitors well in this campus-like setting. Landscaping and green walls provide a screen for the parking, open space is used for stormwater management and to provide a traditional foundation planting area for the building, and as a colorful space for ornamental plantings. Street trees and lighting are provided along both fronting and internal streets to enhance the pedestrian environment. Interior lighting will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads

or properties. There are no recreation facilities required for this site plan, but benches and bicycle facilities are provided. The open spaces, landscaping, and site details adequately and efficiently address the needs of the proposed use and the recommendations of the Master Plan, while providing a safe and comfortable environment.

Pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding area. Safety is enhanced by several improvements such as the traffic circle and special paving. The vehicular circulation design efficiently directs traffic into and through the site with minimal impacts to pedestrian circulation. The placement of parking within a structure and the use of turf stone reduce imperviousness on site and are set as far from protected trees as possible. This balance of aesthetic concerns with site and use limitations meets the recommendations of the Master Plan and provides an adequate, safe, and efficient atmosphere for pedestrians, cyclists, and vehicles.

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

The proposed buildings and parking garage are compatible with the similar adjacent and confronting uses as well as with pending development plans. The structural footprints, circulation patterns, and landscape will accommodate further growth in line with the recently approved and adopted Sector Plan.

The structure itself, although larger than most nearby buildings, is a complementary scale and is located such that it will not adversely impact existing or proposed adjacent uses. This use and density has been anticipated by the new Sector Plan and both the proposed heights and density are well below the maximums set in the recently amended LSC zone.

- 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.*

The proposed development is not subject to water resources protection or the requirements of forest conservation law.

The stormwater management concept consists of on-site water quality and quantity control and recharge via an existing pond, sand filters, bioretention structures, and a green roof.

RECOMMENDATION AND CONDITIONS

Staff recommends approval of site plan 820100090, National Cancer Institute, for a total of 742,936 square feet of research and development uses, including up to 9,998 square feet of retail uses, on 41.08 gross acres. All site development elements shown on the site and landscape plans

stamped "Received" by the M-NCPPC on June 18, 2010 are required except as modified by the following conditions.

Conformance with Previous Approvals

1. Preliminary Plan Conformance

The proposed development must comply with the conditions of approval for preliminary plan 11986115B as listed in the Planning Board Resolution dated March 29, 2010 unless amended.

2. Site Plan Conformance

The proposed development must comply with all applicable conditions of site plan amendment 81986065B as listed in the Planning Board Resolution dated April 9, 2010 unless amended.

Environment

3. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated June 23, 2010 unless amended and approved by the Montgomery County Department of Permitting Services.

Transportation & Circulation

4. Pedestrian Circulation

On the landscape plan, show an extended sidewalk along the north/south internal road to the west of proposed building V to be consistent with site plan.

Site Plan

5. Architecture

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheet A1.03 and A3.03 of the submitted architectural drawings, as determined by M-NCPPC staff.

6. Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for commercial development.
- b. All onsite down- light fixtures must be full or partial cut-off fixtures.
- c. Deflectors must be installed on all fixtures causing potential glare or excess illumination, specifically on the top level of the parking deck.

7. Landscape Surety

The Applicant must provide a surety (letter of credit, performance bond) in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. The amount of the surety shall include plant material, on-site lighting, and site furniture. Surety to be posted prior to issuance of first building permit and tied to the development program.
- b. Provide a cost estimate of the materials and facilities, which, upon staff approval, will establish the initial bond amount.
- c. Completion of plantings by development program area, to be followed by inspection and bond reduction. Inspection approval will start the 1 year maintenance period and bond release will occur at the expiration of the one year maintenance period.

8. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- b. On-site amenities including, but not limited to, landscaping and lighting, pedestrian pathways, sidewalks, benches, trash receptacles, and bicycle facilities must be installed prior to release of any use and occupancy permit.
- c. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Sediment Control Plan.
- d. The development program must provide phasing of stormwater management, sediment and erosion control, and other features.

9. Certified Site Plan

Prior to 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 final forest conservation exemption, stormwater management concept approval, development program, inspection schedule, and site plan resolution.
- b. Ensure consistency of all details and layout between site plan and landscape plan.

APPENDICES

A. Previous Resolutions



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

MAR 29 2010

MCPB No. 10-32
Preliminary Plan No. 11986115B
Project Name: Montgomery County Medical Center
Hearing Date: March 11, 2010

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION¹

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review amendments to approved preliminary plans; and

WHEREAS, on February 16, 2010, Johns Hopkins University, ("Applicant"), filed an application for approval of a limited preliminary plan amendment designated Preliminary Plan No. 11986115B ("Amendment") to modify the timing of conditions 3) and 5) included in the October 18, 2007 resolution (MCPB No. 07-181). All other conditions included in the October 18, 2007 resolution remain in full force and effect.

WHEREAS, Staff issued a memorandum to the Planning Board, dated March 1, 2010, setting forth its analysis, and recommendation for approval, of the Amendment subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on March 11, 2010, the Planning Board held a public hearing on the Application (the "Hearing"); and

¹ This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to
Legal Sufficiency:


M-NCPPC Legal Department

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on March 11, 2010, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Dreyfuss; seconded by Commissioner Presley; with a vote of 3-0, Commissioners Dreyfuss, Hanson, and Presley voting in favor, Commissioners Alfandre and Wells-Harley absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby APPROVES Preliminary Plan No. 11986115B, subject to the following conditions:

- 3) The Applicant must complete the following roadway improvements, and have them open to traffic, prior to the issuance of any use and occupancy permit that includes square footage beyond the initially-approved 375,000 square feet:
 - a. The Applicant must construct a third, westbound through-lane on Great Seneca Highway (MD 119) from Sam Eig Highway intersection to Muddy Branch Road.
 - b. The applicant must construct a third, eastbound left-turn lane from Key West Avenue (MD 28) onto northbound Shady Grove Road.
 - c. The Applicant must fund the modification of the traffic signal operation at the Key West Avenue/Broschart Drive/Diamondback Drive intersection to split phase the north and south approaches and restripe the southbound Diamondback Drive approach to operate with a separate right-turn lane, a separate through lane, a shared through and left-turn lane, and a separate left-turn lane.
 - d. The Applicant must fund the modification of the traffic signal operation to run the north and south phases concurrently at the Darnestown Road/Shady Grove Road intersection.

The Applicant must obtain a right-of-way permit, to include bonding of all improvements above, from the Department of Permitting Services and access permit from the State Highway Administration prior to May 1, 2011. If a right-of-way permit and access permit has not been issued for the improvements as of this date, the plan will be in violation and a stop work order may be issued. The future site plan approval for this development must also reflect this requirement.

- 5) The Applicant must enter into a new or updated Traffic Mitigation Agreement with the Planning Board and DPWT to participate in the Greater Shady Grove Traffic Management Organization (TMO). The Agreement must be executed prior to issuance of any building permit that includes square footage beyond the initially-approved 375,000 square feet.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

- 1) *All previous conditions remain in full force and effect.*

The Planning Board finds that the preliminary plan amendment does not affect the previous findings of the Board regarding the preliminary plan, and all other previous conditions of approval remain in full force and effect.

BE IT FURTHER RESOLVED, that the Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in connection with the originally approved preliminary plan; and

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information: and

BE IT FURTHER RESOLVED, that the date of this Resolution is MAR 29 2001 (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

MCPB No. 10-32
Preliminary Plan No. 11986115B
Montgomery County Medical Center
Page 4 of 4

Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Alfandre, with Chairman Hanson, Vice Chair Wells-Harley, and Commissioner Alfandre present and voting in favor of the motion, and Commissioners Presley and Dreyfuss absent at its regular meeting held on Thursday, March 25, 2010, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board

APR 9 2010



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

MCPB No. 10-29
Site Plan No. 81986065B
Project Name: Johns Hopkins University-Montgomery County Campus
Hearing Date: March 11, 2010

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on February 16, 2010, Johns Hopkins University ("Applicant"), filed a site plan amendment application designated 81986065B, Johns Hopkins University-Montgomery County Campus (the "Amendment") for approval of the following modifications:

1. Reconfigure Buildings V and VI with a connector between the buildings;
2. Reconfigure Parking Deck C to better serve Buildings V and VI;
3. Reconfigure Building VII with a limited amount of accessory retail on the ground level of the building (approximately 11,960 square feet);
4. Modify the main entrance;
5. Reconfigure/relocate the surface parking;
6. Propose alternate locations for Building IV; and
7. Reconfigure the north/south roadway.

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated March 1, 2010, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on March 11, 2010, Staff presented the Amendment to the Planning Board at a public hearing on the Amendment (the "Hearing") where the Planning Board heard testimony and received evidence submitted for the record on the Amendment; and

WHEREAS, on March 11, 2010, the Planning Board approved the Amendment subject to conditions on the motion of Commissioner Dreyfus seconded by

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, NCRPC Legal Department #10 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

Commissioner Presley, with a vote of 4-0, Commissioners Dreyfus, Hansen, Presley, and Wells-Harley voting in favor and Commissioner Alfandre necessarily absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves the Site Plan No. 81986065B; and

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board hereby APPROVES the Amendment, subject to the following conditions:

1. Site Plan Conformance

The proposed development must comply with the conditions of approval for Site Plan 81986065A as listed in the Planning Board resolution dated February 25, 2003 except as modified herein.

2. A detailed site plan must be submitted for the area of the site that will include Buildings V and VI and the new parking structure and road configuration.

3. Certified Site Plan

Prior to 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, development program, and site plan resolution on the approval or cover sheet.
- b. Modifications to the data table including number of parking spaces,
- c. The phasing of the intersection improvements as approved with the Preliminary Plan.

BE IT FURTHER RESOLVED, that the Planning Board adopts the Staff's recommendation and analysis set forth in the Staff Report and FINDS that the Amendment is consistent with the provisions of § 59-D-3.7 of the Zoning Ordinance and that the Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in connection with the originally approved site plan; and

BE IT FURTHER RESOLVED that all site development elements as shown on Montrose Parks drawings stamped by the M-NCPPC on February 18, 2010, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

APR 9 2010 BE IT FURTHER RESOLVED, that the date of this written resolution is (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 written opinion, 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 Dreyfuss, seconded by Commissioner Wells-Harley, with Commissioners Hanson, Wells-Harley, Alfandre, and Dreyfuss voting in favor of the motion, and with Commissioner Presley absent, at its regular meeting held on Thursday, April 8, 2010, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board