Limited Preliminary Plan Amendment No. 11996112B and Site Plan Amendment No. 82000018E, DANAC Stiles Property (Camden Shady Grove)

Patrick Butler, Senior Planner, Area 2 Division, Patrick.Butler@montgomeryplanning.org, 301-495-4561
Joshua Sloan, Planner Supervisor, Area 2 Division, Joshua.Sloan@montgomeryplanning.org, 301-495-4597
Glenn Kreger, Chief, Area 2 Division, Glenn.Kreger@montgomeryplanning.org, 301-495-4653

description

- Preliminary Plan: Removal of an old transitway easement that is no longer required across a portion of the Subject Property and replatting of Lots 4 and 5. Site Plan: Adding the area encumbered by the transitway easement to the net tract area of the Final Forest Conservation Plan, which increases the planting requirement;
- Located in the northwest quadrant of the intersection of Key West Avenue and Diamondback Drive;
- Subject Property is 30.7 gross acres of land in the CR2.0 C1.5 R1.5 H150 & CR1.0 C0.5 R1.0 H80 Zones, in the LSC North District of the Great Seneca Science Corridor Master Plan area;
- Applicant: Camden USA, Inc.;

summary

- Staff recommends approval of the Preliminary Plan Amendment and Site Plan Amendment with conditions.
- The proposed amendment will allow for removal of the transitway easement platted on the Subject Property, and reflect the new net tract area in the Forest Conservation Plan which increases the planting requirement, and allow for replatting of Lots 4 and 5.
- Staff has not received any correspondence from noticed parties as of the date of this report.
PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of Preliminary Plan 11996112B subject to the following conditions:

1. The Applicant and future heirs and assigns continue to be bound by all conditions of approval for Preliminary Plan 119961120 and 1996112A except for Condition No. 4 from Preliminary Plan 119961120, which all except the first sentence is deleted.

SITE PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of the Final Forest Conservation Plan (FFCP) amendment (Site Plan 82000018E) subject to the following conditions:

1. Prior to Certified Site Plan, the Applicant must submit a revised Final Forest Conservation Plan (FCP) that incorporates the following items:
   a. A Category I conservation easement must be placed on the 0.49 acres of forest located in the previous transit easement area, west of master planned road B-2.
   b. Revise the Forest Conservation Worksheet to reflect the revised existing forest and retained forest and to provide a revised amount of mitigation based the total planting requirement derived by the worksheet.
   c. Depict the limits of the transit easement being removed on the FCP.
2. All previous conditions of approval for the Final Forest Conservation Plan #82000018D remain in effect.
3. The Applicant must submit a Certificate of Compliance to use an M-NCPPC approved offsite forest mitigation bank within the same watershed within ninety (90) days of the mailing of the Planning Board Resolution approving 82000018D.
SECTION 1: CONTEXT AND PROPOSAL

SITE DESCRIPTION

Vicinity and Site Description
The DANAC Stiles Property (Subject Property) is bound by Key West Avenue (MD 28) to the south, Diamondback Drive to the east, Decoverly Drive to the north, and Great Seneca Highway (MD 118) to the west. Current uses within the campus include office buildings, surface parking, structured parking, and forest conservation and stormwater areas. This large block is split by two master-planned business district streets that subdivide the campus; each of these streets is generally complete.

The site is immediately surrounded by research, office, institutional, and office parks; lower density residential uses are located immediately across Decoverly Drive to the north. The LSC zoning to the south allows density up to 1.5 FAR and building heights up to 150 feet; the O-M zoning to the east allows density up to 1.5 FAR and building heights up to 80 feet (as recommended in the Master Plan). The site is located adjacent to a future Corridor Cities Transitway (CCT) station, and an additional 50 feet of right-of-way was previously dedicated along Diamondback Drive for the station and alignment. It is within ½ mile of three additional master-planned CCT Stations, and is within 1 mile of a fourth. Numerous bike routes, including shared-use paths, dual-bikeways, and shared signed roadways including the LSC Loop and the bikeway along the CCT run along and near the site.
The Subject Property (red outline) comprises approximately 30.7 gross acres, and is currently improved with 367,681 square feet of office uses, internal driveways, a parking garage, and surface parking lots. Lot 7 is approximately 7.62 gross acres in size, and is currently improved with one of the surface parking lots, which will be replaced by a garage on Lot 6 by Site Plan Amendment 82000018D. The Property is currently served by public water and sewer. A stream buffer and Category I Forest Conservation easements occupy approximately 2.3 acres of the site. The Property is located within the Muddy Branch Watershed, State Use Class category I, which is not within a Special Protection Area.

The Subject Property is in the Great Seneca Science Corridor (GSSC) Master Plan area and the Life Sciences Center (LSC) North District. The entire site was rezoned by Sectional Map Amendment following the approval of the GSSC Master Plan adopted on May 4, 2010. Lot 7 was rezoned from the I-3 zone to the CR-2.0 C1.5 R1.5 H150 Zone, while the remainder of the Subject Property was rezoned from the I-3 zone to the CR-1.0 C0.5 R1.0 H80 Zone.

PROJECT DESCRIPTION

Previous Approvals

Preliminary Plan
The Preliminary Plan for DANAC Stiles was approved by the Planning Board Opinion dated June 9, 1997 (Preliminary Plan Resolutions – Attachment A). Pursuant to Section 50-20(c)(3)(A)(i), a determination of adequate public facilities (APF) for this plan would remain valid for 145 months, or July 9, 2009. Before the APF expired, the County Council took action to grant all valid plans an automatic two-year extension. Thus, the APF approval for the subject plan remained valid until July 9, 2011. On October 14, 2010, the
Planning Board granted an extension of the APF approval until July 9, 2017. The County Council then took action to grant another two two-year extension to all valid plans (a total of four since the previous APF extension), and thus, the APF validity period is now valid until July 9, 2021. To date, 367,681 square feet of office use have been developed under the original approval.

The Planning Board approved Preliminary Plan 11996112A (Resolution – Attachment A) on February 26, 2013, for a maximum total density of 1,012,253 square feet of total development, which includes up to 514,181 square feet of non-residential uses and up to 498,072 square feet of residential uses for up to 475 multi-family units, including a minimum of 12.5% moderately priced dwelling units (MPDUs). This approval also included an additional 50 feet of right-of-way dedication along Diamondback Drive to accommodate the Corridor Cities Transitway (CCT). This amendment allows for the development of Lot 7 to proceed under the CR Zone.

Sketch Plan
The Planning Board approved Sketch Plan 320110050 (Resolution – Attachment B) on July 26, 2012, for a maximum total density of 503,072 square feet of development on Lot 7, including a maximum of 498,072 square feet of residential uses and a minimum of 5,000 square feet of non-residential uses, and a maximum height of 75 feet for occupied space and 85 feet for architectural design elements.

Site Plans
Site Plan 820000180 was approved by the Planning Board on April 6, 2000, for 669,400 square feet of commercial office uses in the I-3 Zone. The original site plan included Lots 6 and 7. Amendment A was approved by the Board on July 30, 2004, for changes to buildings 4 and 5 that were proposed on Lot 7. Amendment B was approved by the Board on January 11, 2007, for a temporary surface parking lot on Lot 7, among other minor revisions. Amendment C was approved administratively on August 1, 2008, for minor site plan modifications. Amendment D was approved by the Planning Board on December 6, 2012, to allow for removal of the existing 48-space, surface-level parking lot on Lot 7 and replacement with a four-story parking garage totaling 58,935 square feet with 153 parking spaces to be constructed on Lot 6.

Site Plan 820130110 is currently under review, which would allow for 498,072 square feet of residential uses for up to 453 residential units, and 5,000 square feet of non-residential live/work units, on Lot 7. This site plan is associated with Sketch Plan 320110050.

Proposal
The Limited Preliminary Plan Amendment (Attachment C) will allow for the removal of the approximately 0.8-acre area placed in reservation (also referred to as the “Transitway Easement”) for the CCT on the approved plans and plat. The area previously reserved is no longer needed due to the realignment of the CCT as part of the GSSC Master Plan and the dedication provided to accommodate the CCT along Diamondback Drive. The area previously approved for the alternative alignment of the CCT will be incorporated into Lots 4 and 5 when they are replatted.

This removal of the transitway easement does not modify any previous conditions of approval other than deleting all but the first sentence of Condition No. 4 of Preliminary Plan 119961120.
Platting of the Subject Property (30.7 gross acres) will be done in phases. As required by Preliminary Plan Amendment A, prior to issuance of any residential building permit, Lot 5 and Lot 7 must be rerecorded by plat to reflect the required right-of-way dedications and amended Category I Forest Conservation Easement areas. Additional right-of-way dedication and placement of master-planned roads in separate and distinct parcels for Lot 4 and Lot 6 will be required in the future when the Preliminary Plan is amended and those properties are redeveloped.

The Site Plan Amendment is an amendment to the Final Forest Conservation Plan (FFCP), which is necessary to incorporate the land area (previously excluded from the work sheet due to it being encumbered by the transitway easement) into the Net Tract Area of the FFCP worksheet. The Applicant was previously allowed to exclude this area from the work sheet, however, now that the transit way is no longer needed, this land area must be added back into the worksheet to determine the appropriate amount of mitigation and/or planting requirements for purposes of Forest Conservation.

**COMMUNITY OUTREACH**

The Applicant has complied with all submittal and noticing requirements, and staff has not received correspondence from any community groups as of the date of this report, including the GSSC Implementation Advisory Committee (IAC).
SECTION 2: PRELIMINARY PLAN

STAFF ANALYSIS

Staff supports deleting the portion of Condition No. 4 of Preliminary Plan 119961120 requiring the 0.8-acre area to be placed in reservation as a transitway easement. The CCT has been realigned along another route and the right-of-way has been dedicated in accordance with the preferred alignment.

FINDINGS

As discussed above, all previous findings for Preliminary Plan 119961120 and 11996112A as approved by the Planning Board remain valid. All approved validity periods also remain unchanged.

1. The Preliminary Plan substantially conforms to the master plan. Staff finds that the revision does not materially change the existing approvals for uses and square footage. The Property is currently limited to a total of 1,012,253 square feet of total development, which includes up to 514,181 square feet of non-residential uses and up to 498,072 square feet of residential uses for up to 475 multi-family units, including a minimum of 12.5% moderately priced dwelling units (MPDUs). This amendment makes no changes to these limitations.

2. Public facilities will be adequate to support and service the area of the proposed subdivision. The development of this site continues to be bound to the density and uses approved with the original approval. The finding of Adequate Public Facilities, including schools, fire and rescue access, roads, water and sewer remains valid for the square footages approved.

3. The size, shape, width and orientation of the proposed lots are appropriate for the location of the subdivision and for the uses contemplated. The lots are of the appropriate dimensions with respect to size, shape, width and orientation for their location within the subdivision to accommodate the mix of uses expected to occur on this Property. The proposal remains in conformance with all applicable sections of the Subdivision Regulations.

4. The Application satisfies all the applicable requirements of the Montgomery County Forest Conservation Law, Chapter 22A of the Montgomery County Code. The original approval by the Planning Board included provisions to satisfy the requirement of Chapter 22A as shown on the approved Forest Conservation Plan. This Amendment generates the need for an amendment to the Forest Conservation Plan, which is being reviewed concurrently with the Preliminary Plan. The worksheet will be amended as part of the Forest Conservation Plan to add the 0.8 acres back into the Net Tract Area. Category I easements, in accordance with that plan, will be shown on the record plats.

5. The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the fact that the Montgomery County Department of Permitting Services approved a stormwater management concept for the entire site at the time of the previous preliminary plan approval. This amendment does not change the elements of that concept.

CONCLUSION

Based on the findings discussed above, Staff recommends approval of this limited Preliminary Plan amendment.
Amendment to the Final Forest Conservation Plan

This property is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code), and a Forest Conservation Plan (“FCP”) #820000180 was approved on October 13, 2000 and was amended on March 18, 2013 (#82000018D). The Applicant proposes to extinguish the Easement for Possible Future Dedication (the “Easement”) that burdens an area no longer needed for the Corridor Cities Transitway (CCT) and straddles a master planned road (B-2) that was previously approved by Preliminary Plan 11996112A to be implemented as a private road with a public access easement. As a result, the FCP is being amended to add the transitway easement area to the net tract that was previously deducted in the approved FCP amendment #82000018D (Attachment D). In addition, the 0.49-acre forest area previously deducted as part of the Easement is being added to the total on-site forest on the Forest Conservation Worksheet.

The Applicant has requested that the 0.49-acre forest be counted as removed and that this area of forest not be protected with a conservation easement so that no encumbrances will be placed on Lot 4. The Applicant’s justification for not placing the 0.49-acre forest in a Category I Conservation Easement is to ensure that this lot can be developed to meet the expectations of the CR-zoned mixed use development identified in the Great Seneca Science Corridor (GSSC) Master Plan. Staff does not support the Applicant’s justification for not protecting this forest and is requiring that the FCP be revised to add a Category I conservation easement over the 0.49-acre forest located in the previous transit easement, west of B-2.

Staff cannot make the findings that, according to Section 22A-12.(b)(A) of the County code, the development would make maximum use of any available planning and zoning options that would result in the greatest possible forest retention; (B) reasonable efforts have been made to protect the specific area and vegetation listed in the plan; and (C) the development proposal cannot be reasonably altered. In addition, Section 22A.00.01.08. B. of the forest conservation regulation, requires that “if existing forest on the site subject to a forest conservation plan cannot be retained, the applicant must demonstrate, to the satisfaction of the Planning Board.. (1) how techniques for retention have been exhausted; (2) why priority forests and priority areas cannot be left undisturbed..” The forest in the CCT transitway easement provides a continuous forested 0.49 acre connection with the forest protected in a Category I Conservation Easement to the north and south/southeast. Contiguous forests are priority forests according to Section 22A-12(b)(2) of the County code. The application has not provided a reasonable justification for not placing a conservation easement over the 0.49 acre forest. The applicant’s attorney states that a conservation easement over the forest in the CCT easement would prevent the property owners from developing the tract to meet the expectations of the master plan. However, land within the easement is not large enough to develop by itself, and if the CCT area where added to the adjoining lot there is still conservation easement surrounding the CCT easement area. The property owners have not indicated any desire to redevelop the land in the CR zone, which is reflected in this site plan amendment which is only for forest conservation purposes without any proposed development changes.

In addition, by placing a Category I easement over the 0.49-acre forest, the Forest Conservation Worksheet depicted on the FCP must be revised to accurately provide the required planting requirement for the site. The mitigation proposed by the Applicant is in excess of the planting
requirement for the site and may be revised if warranted by the Applicant.

The transit easement proposed for removal east of B-2 does contain a stream and some forest cover northwest of the existing Category I conservation easement. However, because this portion of stream within the transitway easement is located within an existing stormwater easement and leaves such a small area to protect, no stream valley buffer or conservation easement is proposed or necessary for this portion of stream.

CONCLUSION

Staff recommends approval of the Forest Conservation Plan Amendment with the conditions cited in this Staff Report; all previous findings are unchanged by this amendment, except that the application now meets the requirements of forest conservation law by purchase of an additional 1.05 acres of forest in an off-site mitigation bank.

ATTACHMENTS:
A. Preliminary Plan Resolutions
B. Sketch Plan Resolution
C. Preliminary Plan Amendment
D. Final Forest Conservation Plan Amendment
MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-96112
NAME OF PLAN: DANAC’S STILES PROPERTY

On 06-11-96, DANAC CORPORATION submitted an application for the approval of a preliminary plan of subdivision of property in the I3 zone. The application proposed to create 4 lots on 25.48 ACRES of land. The application was designated Preliminary Plan 1-96112. On 05-15-97, Preliminary Plan 1-96112 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-96112 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-96112, subject to the following conditions:

The County Council has indicated its intent to initiate legislation to create a Transportation Management Organization (TMO) for the Shady Grove Area at a future date. When such legislation is proposed, the County Council may seek to include preliminary plans approved prior to the effective date of the legislation. By approving this preliminary plan, the Planning Board does not intend to exempt this property from consideration by the County Council for inclusion in a TMO at a future date.

STAFF RECOMMENDATION: Approval, subject to the following:
(1) Agreement with Planning Board to limit development to 669,538 square feet of office development. The proposed development shall be in three phases with roadway improvements coordinated with each phase, as outlined in the Transportation Planning Division memo date 5-6-97. The Adequate Public Facilities Agreement must include language that states that measures must be taken to address the Special Trip Reduction requirements for development in the I-3 zone as part of site plan approval. The specific trip reduction measures as well as a schedule for achieving trip mitigation goals will be identified at site plan, in accordance with the provisions of 59-C-5.436 of the Montgomery County Zoning Ordinance.

(2) Record plats for this large scale project may be recorded in stages that allow for a nine (9) year validity period for the preliminary plan based on the following phases:

Phase 1: During Phase 1, the applicant will record final record plats for not less than 200,000 square feet of development. The initiation date will commence 30 days after the mailing of the Planning Board's opinion, as provided in the subdivision regulations.

Phase 2: Phase 2 will commence 36 months after the Initiation Date. During Phase 2, the applicant will record final record plats for not less than an additional 200,000 square feet of development. Thus, at the end of Phase 2 subdivision record plats for a total of not less than 400,000 square feet will have been recorded.

Phase 3: Phase 3 will commence 72 months after the Initiation Date. During Phase 3, the applicant will record final record plats for the remainder of the gross square footage for the DANAC project. Thus, at the end of Phase 3, final record plats for a total of 669,538 square feet of gross floor area will have been recorded.

As part of this phasing requirement, applicant must enter into an agreement with the Planning Board to provide for payment of...
pro rata share for any required APFO roadway improvements, consistent with applicant's APFO phasing requirement, prior to the release of building permit, if the improvement has been constructed by another applicant with the same APFO off site requirement. (This stipulation is to be placed on other preliminary plan approvals requiring participation in the same roadway improvements)

(3) Dedication of right of way for Key West Avenue and Great Seneca Highway for diamond interchange and provide easement area for possible future dedication of a possible one-half clover-leaf configuration as shown on the preliminary plan drawing

(4) Dedication of Master Plan transit alignment (minimum 50' wide) as shown on plan, adjacent to Decoverly Drive. In the area of alternative transit alignments, as shown on the preliminary plan, provide an easement for possible future dedication to accommodate the alternative alignments. In the event that the final transit alignment is approved adjacent to Decoverly Drive, then the easement shall be extinguished for that portion of the easement area no longer needed for right of way to allow for the reconfiguration of development on lot 4. In the event that the final transit alignment is approved so that it loops into the DANAC property, as shown on the preliminary plan, then the easement shall be extinguished for that portion of the easement area no longer needed for the right of way.

(5) At site plan review address the compatibility between the townhouse development, confronting the project across Decoverly Drive, and the height of the proposed office buildings. In addition, careful attention must be paid to the design of the on-site pedestrian circulation system with connections to transit

(6) Dedications as shown on the revised preliminary plan for the following streets:
   a) Decoverly Drive for 100 feet
   b) Diamondback Drive for 100 feet
   c) Key West Avenue for 150 feet
d) Great Seneca Highway for 150 feet

(7) Record plat(s) to reflect denial of access along Great Seneca Highway

(8) Access and improvements as required and approved by MDSHA and MCDPW&T. Prior to initiation of Phase II development, applicant to submit an updated traffic study to be reviewed by MDSHA addressing the full movement access on Key West Avenue to and from the site

(9) Compliance with conditions of approval of the preliminary forest conservation plan, to be approved at site plan, prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permit, as appropriate

(10) Record plat to reflect delineation of a conservation easement over the areas of wetlands and stream valley buffers

(11) Conditions of MCDPS stormwater management approval dated 5-8-97

(12) Other necessary easements

(13) No clearing and grading of site prior to site plan approval

(14) No recording of lots prior to site plan approval

(15) Final site layout and amount of development to be determined at site plan
PRELIMINARY SUBDIVISION PLAN APPLICATION  FILE NO: 1-96112
withdraw or superseded: N another plan on property? fileno: -
NAME OF SUBDIVISION: DANAC'S STILES PROPERTY DATE OF APPLIC: 06-11-96
SPECIAL EXCEPTION OR ZONING CASE NO: DATE OF SRC: - -
THRESHOLD: PRE-PRELIMINARY PLAN FOR THIS PROPERTY, ENTER IT: -
LOCATION
B. NE QUADRANT OF INTERSECTION OF KEY WEST AVENUE & GREAT SENECA HIGHWAY
200 BASE MAP NO: 220NW10 MPDUS PROPOSED: 0
NO. LOTS PROPOSED: 4 NUMBER OF RESIDENTIAL UNITS PROPOSED: 0
TYPE OF UNITS: CM, , , , ZONING: I3
NUMBER OF UNITS: 0 0 0 0 0 ZONING: ,
PROPOSED SANITARY FACILITIES: WATER: PUBLIC SEWER: PUBLIC
NUMBER OF TDRS: 0 REQUEST CLUSTER OPT: N REQUEST MPDU WAIVER: N
REQUEST STORM WATER MANAGEMENT WAIVER: N HISTORIC SITE OR DISTRICT?: N
OWNER NAME: DANAC CORPORATION
ADDRESS: 7200 WISCONSIN #901 AVE TELEPHONE NO: 301-657-2800
BETHESDA , MD, 20814
CONTRACT PURCHASER NAME:
ADDRESS: 0 TELEPHONE NO: - -
, 00000
CONVEY AREA: 25.48 ACRES INCLUDE AREA: 25.48 ACRES PLAN FEE: $.00

RESTRICTIONS:
WSSC RIGHT-OF-WAY RECORDED IN LIBER 2697, FOLIO 546
15' SLOPE EASEMENT PER PLAT 12906 (DIAMONBACK DRIVE)

ENGINEER OR SURVEYOR: MACRIS, HENDRICKS, GLASCOCK
ADDRESS: 9220 WIGHTMAN #120 RD. TELEPHONE: 301-670-0840
GAITHERSBURG, MD, 20879

MPDU REQUIRED: 0  MPDU APPROVED: 0  NO. OF LOTS APPROVED: 4
UNITS APPROVED: TYPE OF UNITS: , , , ,
NUMBER OF UNITS: 0 0 0 0 0
DATE OF PLAN ACTION: 05-15-97  PLANNING BOARD ACTION: APPROVED
PLAN EXTENSION: N  DATE GRANTED: 00-00-00  EXPIRATION: 00-00-00

200 BASE MAP NO: 220NW10  MASTER PLAN AREA: 20  TAX MAP NO: FS341
X COORDINATE 742051  TAX MAP YEAR:  CENSUS TRACT & BLOCK:
Y COORDINATE 463331  PLANNING AREA: 20  TRAFFIC ZONE: 282

SEwershed NO:  SEWER AUTHORIZATION NO:
STORM WATER MGMT. WAIVER GRANTED:  STREAM CHANNEL MODIFICATION:

WRA PERMIT NEEDED:
PARKLAND ACRES:  REC FACIL:  PLAYGROUND:  PLAYFIELD:  OTHER:
** END OF FORMATTING **
TDP/V       (A.05.05)  HP36578 Formatter
TUE, JUN 17, 1997, 12:48 PM
NO ERRORS
INPUT  = EDITOR WORKFILE, TEXT FROM Z124723.PUB
OUTPUT = *TERM
TDP/V
/
MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-96112R
NAME OF PLAN: DANAC’S STILES PROPERTY

On 11/16/00, DANAC CORPORATION submitted an application for the approval of a preliminary plan of subdivision of property in the I-3 zone. The application proposed to create 4 lots on 25.5 acres of land. The application was designated Preliminary Plan 1-96112R. On 03/08/01, Preliminary Plan 1-96112R was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-96112R to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-96112R.

Comments: The previous Planning Board approval on this preliminary plan required certain transportation related improvements as part of the Adequate Public Facilities (APF) review. Three preliminary plans, Danac Stiles 1-96112, Traville 1-97022, and Belward Campus 1-96110 have such improvements related to an at-grade intersection improvement at Shady Grove Road and Darnestown Road. The staffs of MCDPW&T, MDSHA and M-NCPPC have reevaluated this improvement and have modified their recommendation regarding that intersection and are now requiring each applicant to participate, on a pro-rata basis, in conjunction with MCDPW&T CIP Project, “Spur Road.”

Approval to Revise Condition #1 as Follows:

1. Submit an amended Adequate Public Facilities (APF) agreement with the Planning Board to include the participation in the pro-rata share of the developer’s cost in the Montgomery County Department of Public Works and Transportation’s CIP Project, “Spur Road”
2. All previous conditions of the preliminary plan approval as contained in the Planning Board’s Opinion dated June 9, 1997 remain in full force and effect
RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is authorized to review preliminary plan Applications; and

WHEREAS, on February 14, 2012, Camden USA, Inc. ("Applicant"), filed an application for approval of an amendment to an approved preliminary plan of subdivision to resubdivide Lots 7 and 5 in order to convert previously approved commercial uses to residential uses and modify an existing Category I Forest Conservation Easement, to allow for a maximum of 1,012,253 square feet of development which includes up to 514,181 square feet of non-residential uses and up to 498,072 square feet of multi-family residential use, with up to 475 units, including a minimum of 12.5% moderately priced dwelling units ("MPDUs"), on approximately 30.7 acres of land in the CR2.0 C1.5 R1.5 H150 & CR1.0 C0.5 R1.0 H80 Zones, located in the northwest quadrant of the intersection of Key West Avenue and Diamondback Drive ("Subject Property"), in the LSC North District of the Great Seneca Science Corridor Master Plan ("Master Plan") area; and

WHEREAS, Applicant’s preliminary plan Application was designated Preliminary Plan No. 11996112A, DANAC Stiles Property ("Preliminary 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 November 20, 2012, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on December 6, 2012 the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and
WHEREAS, on December 6, 2012 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Presley, seconded by Commissioner Wells-Harley, with a vote of 4-0; Commissioners Anderson, Carrier, Presley and Wells-Harley voting in favor, with Commissioner Dreyfuss being absent.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 11996112A to resubdivide Lots 5 and 7, subject to the following conditions:

1. Approval is limited to a maximum density of 1,012,253 square feet of total development, which includes up to 514,181 square feet of non-residential uses and up to 498,072 square feet of residential uses for up to 475 multi-family units, including a minimum of 12.5% moderately priced dwelling units (MPDUs).
2. Prior to submission of a Site Plan for Lot 7, permanent Category I Forest Conservation Easement signs must be placed along the perimeter of the conservation easement area. Final number and locations of signs to be determined by the M-NCPPC inspector.
3. Prior to the submission of a Site Plan for Lot 7, a Phase I Noise analysis must be conducted to determine if noise mitigation elements must be incorporated in the Site Plan.
4. Prior to issuance of any residential building permit, Lot 5 and Lot 7 must be rerecorded by plat to reflect the required right-of-way dedications and amended Category I Forest Conservation Easement areas. Platting will be done in phases, and additional right-of-way dedication for Lot 4 and Lot 6 will be required in the future when the Preliminary Plan is amended and those properties are redeveloped.
5. The Applicant must dedicate, and the record plat(s) must reflect, the Master Plan recommended 200-foot right-of-way (100 feet from centerline along the Subject Property frontage) for Key West Avenue (MD 28), per the phasing allowed in Condition No. 4.
6. The Applicant must dedicate, and the record plat(s) must reflect, the Master Plan recommended 150-foot right-of-way (150 feet from the opposite right-of-way along the Subject Property frontage) for Diamondback Drive, per the phasing allowed in Condition No. 4.

1 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.
7. The Applicant must amend the existing Traffic Mitigation Agreement with the Montgomery County Department of Transportation (MCDOT) and the Planning Board that was originally executed on June 6, 2000 to satisfy trip reduction requirements under the I-3 Zone and participate in the Greater Shady Grove Transportation Management Organization (TMO). The amended Traffic Mitigation Agreement must be executed prior to release of any building permit for the residential building.

8. The Applicant must design, construct, maintain, and provide the 56 feet wide public access easements for the recommended business district streets B-2 and B-7. The two new internal streets may be implemented as private streets subject to the following conditions:
   a. The Applicant must determine the final extent, delineation, and alignment of the private streets when subsequent site plans are filed.
   b. Private streets must be located within their own parcel, separate from the proposed development.
   c. Public access easements must be granted for the streets and must be reviewed and approved by MCDOT and the Maryland-National Capital Park and Planning Commission (M-NCPPC).
   d. The design of the roads must follow or improve on the corresponding Montgomery County Road Code standard (2005.02 modified) for a similar public road, unless a modification is approved by MCDOT and the Planning Board at the time of future site plan.
   e. Installation of any public utilities must be permitted within such easements.
   f. The streets may not be closed for any reason unless approved by MCDOT.
   g. The public access easements must be volumetric to accommodate uses above or below the designated easement areas.
   h. Montgomery County may require the Applicant to install appropriate traffic control devices within the public access easement and the easement must grant the right to the County to construct and install such devices.
   i. Maintenance and Liability Agreements will be required for each public access easement area by MCDOT at the time of record plat. These agreements must identify the respective Applicant's responsibility to maintain all of the improvements within their easement areas in good fashion and in accordance with applicable laws and regulations.
   j. Montgomery County will inspect these streets and ensure that each has been constructed in accordance with or improving upon the corresponding Montgomery County Road Code standard (2005.02 modified) for a similar
public road, unless a modification is approved by MCDOT and the Planning Board at the time of future site plan.

k. The Applicant is obligated to remove snow and provide repairs to keep the roads in working order and open and if, for any reason, the Applicant does not, the County must have the right, but not the obligation, to remove snow and/or provide repairs.

l. The boundary of the public access easements must be shown on the record plat.

9. The Applicant must coordinate with the applicant of Site Plan No. 820100090, JHU-National Cancer Institute, to improve the intersection of Key West Avenue and Diamondback Drive/ Broschart Drive, which is adjacent to the Subject Property.

10. The Applicant must coordinate with the Maryland Transit Administration (MTA) to ensure that the Preliminary Plan reflects the latest MTA alignment and design of the Corridor Cities Transitway (CCT) along the west side of Diamondback Drive and its proposed station at the intersection with master-planned business district street, B-2.

11. The Applicant must provide and show on the future site plan a total of 110 bicycle parking spaces consisting of the following:
   a. At least 10 public bicycle parking spaces or 5 inverted-U bike racks, or approved equivalent, near the main entrances in a weather-protected area, with locations and final numbers determined at site plan.
   b. 100 bike lockers or a secured bike room for at least 100 bicycles in the garage near the elevator in a well-lit area, with locations and final numbers determined at site plan.

12. The Planning Board has accepted the recommendations of the MCDOT in its letter dated November 6, 2012, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

13. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.

14. The Planning Board has accepted the recommendations of the Maryland State Highway Administration ("MDSHA") in its letter dated April 16, 2012, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the
letter, which may be amended by MDSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

15. Prior to issuance of access permits, the Applicant must satisfy the provisions for access and improvements as required by MDSHA.

16. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Services ("DPS") stormwater management concept approval letter dated April 4, 2012, and hereby incorporates them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by DPS provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

17. The Subject Property is located in the Gaithersburg High School Cluster. The Applicant must make a School Facilities Payment to the Montgomery County Department of Permitting Services at the elementary school level. The Applicant will be required to pay at the "highrise/low-rise w/structured parking" residential units rate for all units for which a building permit is issued. The amount of the payment will be determined by the rate in effect at the time the payment is made. The timing of the payment is determined by DPS.

18. No clearing or grading of the Subject Property, or recording of plats prior to certified site plan approval.

19. Final approval of the number and location of buildings, dwelling units, on-site parking, and site circulation will be determined at site plan.

20. In the event that a subsequent site plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or right-of-way location, width, or alignment, the Applicant must obtain approval of a preliminary plan amendment prior to certification of the site plan.

21. The Certified Preliminary Plan must contain the following note: "Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for this lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."

22. All necessary easements must be shown on the Record Plat.
23. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid until July 9, 2019.

24. The Applicant must submit a Certificate of Compliance Agreement for reforestation/afforestation to be approved by M-NCPCC General Counsel; forest bank credits must be purchased prior to issuance of sediment and erosion control permits.

25. The final Sediment Control Plan must be consistent with the limit of disturbance shown on the Amended Final Forest Conservation Plan (FFCP).

26. The Applicant must comply with all tree protection and tree save measures shown on the approved Amended FFCP, including recommendations specified in the arborist’s letter dated May 24, 2012 and included on Sheet FC-4 of the Amended FFCP.

27. Additional tree save measures not specified on the Amended FFCP may be required by the M-NCPCC forest conservation inspector.

28. Permanent Category I Forest Conservation Easement signs must be placed along the perimeter of the conservation easement area. Final number and locations of signs to be determined by the M-NCPCC inspector.

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the Hearing and 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 Preliminary Plan substantially conforms to the Master Plan.

Master Planned Roadways B-2 and B-7

The Master Plan identifies two business district rights-of-way on the Subject Property. They are Roadways B-2 and B-7. B-2 provides a connection from Deecovery Drive through the site to Diamondback Drive, while B-7 provides a connection from B-2 through the site to Key West Avenue. According to the Master Plan, business district streets B-2 and B-7 should be dedicated and constructed as 60-foot wide rights-of-way.

The Applicant has requested permission to construct these roads as private roads with public access easements instead of dedicating the roads to the public. Although the Master Plan envisions these roadways to be dedicated to public use, the Planning Board finds that the business district roads developed as private roads with public access easements granted to the County is in substantial conformance with the Master Plan, as conditioned by this approval.
The Planning Board supports this request due to the unique circumstances of the DANAC Stiles Property. The DANAC Stiles Property site has been developed and maintained as an office campus environment. The two owners work cooperatively with one another in order to control the overall design, appearance, and character of the campus. Both property owners have agreed to this request regarding the internal roads. These internal roads, unlike the perimeter roads (i.e., Key West Avenue, Diamondback Drive, Discovery Drive, and Great Seneca Highway), are not essential to the primary network for the Master Plan area. As private rights-of-way with public access easements, they will still provide alternate route options for pedestrians, cyclists, and vehicles. Also, the roads will be constructed to the public road standards identified in the Master Plan and Design Guidelines, and public access easements reflecting the master-planned right-of-ways for B-2 and B-7 will be recorded on the plat. The preferred alignment of the CCT station will not accommodate the B-2 Diamondback Drive intersection as shown in the Master Plan. The Applicant is providing a width slightly less than the Master Plan recommended 60 foot right-of-way due to constraints of the amount of space between existing buildings and the Category I Conservation Easements. The Applicant, however, will be responsible for maintenance of the roads. As conditioned above, the Applicant is required to plat the roads (curb to curb) in separate parcels, while the public access easement will cover the larger cross section including the sidewalks envisioned by the Master Plan. Therefore, in this unique instance, roads B-2 and B-7 can be provided as private rights-of-way with public access easements, and will still function as public roads in a dedicated right-of-way.

General Recommendations
The Master Plan provides the following general applicable recommendations for the Subject Property including:

- Transform the Life Science Center (LSC) into a dynamic live/work community while ensuring growth opportunities for research, medical, and bioscience interests;
- Align the Corridor Cities Transitway (CCT) through the LSC and provide four transit stations that will be the focal point of new development in the LSC North, Central, West, and Belward districts;
- Concentrate density, building height, and civic green spaces at the CCT stations. Provide appropriate transitions to adjacent neighborhoods;
- Create the LSC Loop as the organizing element of the open space plan to connect districts and destinations, incorporate natural features, and provide opportunities for recreation and non-motorized transportation;
- Create a sustainable community that will attract nationwide interest with design and materials that minimize carbon emissions, maximize energy conservation, and preserve water and air quality; and
- Support the County's Agricultural Reserve with zoning that requires acquisitions of Building Lot Termination (BLT) easements to achieve maximum densities.
There is a shortage of housing in the Master Plan area, and the development, which will be adjacent to a planned CCT station, will add to the housing stock at a strategic and convenient location in the LSC. The Applicant is proposing to concentrate the most height and density of the DANAC Stiles Property to date on Lot 7 as envisioned by the Master Plan, while also designing the development in a way that makes the planned CCT station a focal point of the development. The CCT station will provide convenient access to and from the area. The hardscaping and landscaping details will be addressed at the time of site plan review. Before the CCT is constructed, the area will still include the existing Diamondback Drive vehicular and pedestrian access to and from Diamondback Drive. As discussed during the review of the Sketch Plan for this site, it is expected that such access point will be closed when the CCT is constructed. The LSC Loop already runs along Discovery Drive, along the north side of the DANAC Stiles campus. The LSC Loop provides for recreational opportunities and helps to connect the DANAC Stiles campus with the rest of the LSC. As indicated by the Sketch Plan Application, the development will have a unique façade design, and will incorporate sustainable elements through its compliance with the County’s green building requirements and public benefits schedule. The Application will support the Agricultural Reserve through its acquisition of BLTs. The final number of BLTs will be determined at site plan review.

**Climate Protection and Sustainability**

The Master Plan makes a number of recommendations to reduce development’s carbon footprint (page 29), including site and building design and orientation that takes advantage of passive solar heating and lighting and passive cooling opportunities and commitments to reduce energy and water consumption. The Applicant will address these climate goals at site plan.

**Housing**

The Master Plan encourages the provision of housing to improve the area’s jobs-housing balance, and recommends a range of housing options to help meet County housing goals, including Moderately Priced Dwelling Units and workforce housing (page 23). The Application provides 12.5% MPDUs, and satisfies that recommendation.

**Staging Considerations**

According to the Master Plan, converting from non-residential to residential development is exempt from the Master Plan’s staging requirement, as long as the residential project does not increase the number of already approved vehicle trips. As stated on page 76 of the Master Plan:

“The 3.7 million square feet of development in the pipeline is not subject to the [Master] Plan’s staging requirements unless a project’s Preliminary Plan expires. The owner of a property approved for commercial development may re-subdivide
and convert to residential development and still be exempt from staging provided that the change in development will not increase the number of vehicle trips."

Thus, the Application is exempt from the Master Plan staging limit of 2,500 dwelling units since the Preliminary Plan has not expired and the Application is for a conversion to residential development. The Applicant will be using 5,000 square feet of the approved but unbuilt 301,857 square feet of commercial uses to construct the required live/work units onsite.

Site Specific Recommendations
The Master Plan has the following recommendations that are specific to the Subject Property on pages 48 and 49:

- Locate the LSC North CCT station on the east side of the DANAC property (west side of Diamondback Drive);
- Rezone DANAC property from I-3 to CR Zone;
- Recommended Zoning for Lot 7 is: CR2.0 C1.5 R1.5 H150. The remainder of the DANAC property should be zoned CR1.0 C0.5 R1.0 H 80;
- Building height along Discovery Drive adjacent to the residential community to the north is limited to 50 feet within 100 feet of the Discovery Drive right-of-way;
- The sidewalk and pedestrian improvements as shown on the Sketch Plan and Concept Plan;
- 150-feet of right-of-way for Diamond Back Drive;
- 200-feet of right-of-way for Key West Avenue; and
- Dedication of master planned business district streets B-2 and B-7.

The Applicant is providing for the dedication and design of the CCT on the east side of the Subject Property. The Applicant has also designed a public space to complement the planned CCT station when constructed as shown in the illustrative plan below. The building height restriction in relationship to Discovery Drive is being adhered to. The Applicant is providing the dedications for Diamondback Drive and Key West Avenue, and the business district streets are proposed as private roads with public access easements, but will be constructed to the standards specified in the Master Plan.

2. Public facilities will be adequate to support and service the area of the approved subdivision.

Master-Planned Roadways and Bikeways
The DANAC Styles Property is located on the north side of Key West Avenue (MD 28) between Great Seneca Highway (MD 118) and Diamondback Drive. The vehicular access points are at the following intersections:

- Business district street, B-7, and Key West Avenue.
• Business district street, B-2, and Discovery Drive.
• Business district street, B-2, and Diamondback Drive if not closed to accommodate the Corridor Cities Transitway station and its extension southward crossing under Key West Avenue.

Site Location and Vehicular Site Access Points
In accordance with the 2010 Great Seneca Science Corridor Master Plan (GSSC) and the 2005 Countywide Bikeways Functional Master Plan (Countywide), the roadways and bikeways are classified as follows:

1. Key West Avenue is designated as a six-lane major highway, CM-22, with a recommended 200-foot right-of-way and a Countywide dual bikeway (bike lanes and a shared use path on the north side), DB-43;
2. Great Seneca Highway is designated as a six-lane major highway, M-90, with a recommended 150-foot right-of-way and a Countywide shared use path, SP-63, on the west side;
3. Diamondback Drive is a four-lane arterial, A-261b, with a recommended 150-foot right-of-way that includes a 50-foot-wide CCT right-of-way along west side, GSSC dual bikeway, LB-3, and a Countywide shared use path, SP-68, within the CCT right-of-way;
4. Discovery Drive is a four-lane arterial, A-284, with a recommended 100-foot right-of-way and the GSSC Life Science Center Loop dual bikeway, LB-1.

The Master Plan identifies two business district rights-of-way on the Subject Property. They are Roadways B-2 and B-7. B-2 provides a connection from Discovery Drive through the site to Diamondback Drive, while B-7 provides a connection from B-2 through the site to Key West Avenue. According to the Master Plan, business district streets B-2 and B-7 should be constructed as 60-foot wide rights-of-way.

Corridor Cities Transitway (CCT)
MTA's preferred alignment of the CCT is along the west side of Diamondback Drive with a proposed station at the intersection with master-planned business district street, B-2. The Applicant must coordinate with the MTA CCT's project manager, Rick Kiegel, regarding MTA's latest alignment and design of the CCT. The preferred CCT alignment along Diamondback Drive crosses under Key West Avenue but an alternative proposal suggests that the CCT might cross the intersection with Key West Avenue at-grade.

If the CCT alignment along Diamondback Drive does run under Key West Avenue, the proposed CCT station would be below the grade of the Diamondback Drive/B-2 intersection and block the eastbound approach of B-2 to this intersection. To travel eastbound on B-2, motorists must circle the block formed by master-planned "business district street" B-7, Discovery Drive, and Diamondback Drive.
Based on the master-planned projection of peak-hour trips, the CLV values would not exceed the congestion standard of 1,450 with or without the eastern approach of Diamondback Drive open to traffic.

**Bus Rapid Transit**
One of the candidate Bus Rapid Transit (BRT) options is Route 5, “Gude Drive/Key West Avenue” that proposes transit vehicles operating along Key West Avenue with a station at the intersection with Diamondback Drive/Broschart Drive.

**Existing Available Transit Service**
Other than the proposed CCT and BRT stations, the following two Ride-On routes currently operate along the roads fronting the site:
1. Ride-On route 66 along Key West Avenue between Great Seneca Highway and Diamondback Drive;
2. Ride-On route 74 along Decoverly Drive and Diamondback Drive between Great Seneca Highway and Key West Avenue.

**On-Site Pedestrian and Bicycle Facilities**
On Lot 7, the pedestrian and bicycle facilities will be determined as part of the future site plan. Under Section 59-C-15.62 of the County Zoning Ordinance as a development located in the CR zone, the Applicant must provide bicycle parking spaces for a residential building with 20 or more dwelling units. For the proposed apartment building with 475 units, the required bicycle parking is:

1. Publicly accessible bike spaces: At least 10 spaces. Final number and location to be determined at site plan.
2. Private secured bike spaces: At least 100 spaces. Final number and location to be determined at site plan.

**Master-Planned Transportation Demand Management**
The site is located within the boundary of the Greater Shady Grove Transportation Management District (TMD). The Applicant must participate in the TMD and assist the County in achieving and maintaining its non-auto driver mode share goals.

**Local Area Transportation Review (LATR)**
The original Preliminary Plan No. 119961120 was approved in 1997 for 669,538 sf of office uses. In accordance with the Local Area Transportation Review and Policy Area Mobility Review Guidelines, a traffic study is not required to satisfy the LATR test because the number of total peak-hour trips generated by the proposed apartments is less than the trips generated by the previously-approved and unbuilt office uses.
The CLV values exceed the 1,450 standard during the weekday morning peak hour without the intersection improvement required of JHU-National Cancer Institute. With the improvement, the CLV values are reduced below the 1,450 standard. An Applicant would typically be required to improve an intersection that exceeds the congestion standard as result of development approved. However, the conversion of approved commercial uses to residential uses results in an overall reduction of trips, and therefore, the previous adequate public facilities test approval remains valid, and the Applicant is not required to improve the intersection of Key West Avenue and Diamondback Drive/Broschart Drive.

**Policy Area Mobility Review (PAMR)**
Under the current Subdivision Staging Policy, because the new peak-hour trips generated by the proposed apartments are less than the new trips generated by the previously approved and unbuilt office space, mitigation is not required to satisfy the PAMR test.

**Other Public Facilities and Services**
The development will be served by public water and sewer systems. The Application has been reviewed by the Montgomery County Fire and Rescue Service which has determined that the Subject Property has appropriate access for fire and rescue vehicles. Other public facilities and services including police stations, firehouses and health care are currently operating in accordance with the Subdivision Staging Policy and will continue to be sufficient following the construction of the Project. Electric, gas and telecommunications services will also be available and adequate. The Application is located in the Gaithersburg Cluster, which requires a School Facilities Payment at the elementary school level. The required payment will be made to DPS.

3. The size, width, shape, and orientation of the approved lot is appropriate for the location of the subdivision.

The size, shape, and width of the approved lots allow the development to meet the Master Plan goals to provide a more urban and walkable community while providing much needed residential development. Further, the lots are designed in such a way to meet all other requirements of the Subdivision Regulations, including access, frontage, dedication for public uses, adequacy of public facilities and conformance to Master Plan recommendations.

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50-29(a) of the Subdivision Regulations, and Chapter 59, the Zoning Ordinance. The Planning Board finds that the size, shape, width, and area of the lots are appropriate for the location of the subdivision.
4. The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.

Amended Final Forest Conservation Plan
The original Final Forest Conservation Plan (#820000180) was approved on October 13, 2000, and resulted in a mitigation requirement of 5.4 acres. Of this figure, the Applicant has previously provided 1.8 acres of on-site plantings and 2.6 acres of off-site forest planting (Certificate of Compliance June 23, 2000, Liber 18194, Folio 136) for a total of 4.4 acres of mitigation satisfied. The remaining 1.0 acre mitigation requirement was to be satisfied by street tree canopy credit; however, site constraints make this option difficult. As part of the Preliminary Plan, the Applicant is amending the previously approved Final Forest Conservation Plan to satisfy the remaining 1 acre requirement at an approved off-site forest conservation bank.

In addition, the original Final Forest Conservation Plan included an approved paved pedestrian pathway within the Category I Forest Conservation easement around the stream buffer. Portions of this Category I easement adjacent to this pathway have been maintained by mowing, which is a violation of the easement agreement. As part of the Final Forest Conservation Plan Amendment, the Planning Board hereby approves removal of the Category I easement around the pathway to permit maintenance and allow visibility of the trail, with the 0.28 acres of Category I easement removed to be replaced at a 2:1 ratio in an approved off-site forest conservation bank, resulting in an additional planting requirement of 0.56 acres. The Applicant has agreed to stop mowing the Category I easement and add supplemental tree plantings in the easement. A mulched strip will be permitted adjacent to the inner edge of the pathway to facilitate maintenance. This is consistent with allowed uses in a Category I easement.

Noise
Prior to the submission of a Site Plan for Lot 7, a Phase I Noise analysis must be conducted to determine if noise mitigation elements must be incorporated in the Site Plan.

5. All stormwater management requirements shall be met as provided in Chapter 19, article II, title "stormwater management", Section 19-20 through 19-35.

The Montgomery County Department of Permitting Services (DPS) issued a letter accepting the Stormwater Management Concept approval for the original Preliminary Plan on June 29, 2006. The requirements of the original stormwater concept plan still apply to the site, with the exception of Lot 7. For Lot 7, DPS issued a letter on April 4, 2012, and has determined that required stormwater management goals will be met onsite via Planter box micro filters, non-rooftop disconnect and the existing stormwater pond.
BE IT FURTHER RESOLVED, that this Preliminary Plan amendment will remain valid for 60 months (5 years) from its initiation date (as defined in Montgomery County Code Section 50-35(h)), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is [FEB 26 2013] (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 Vice Chair Wells-Harley, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioner Anderson voting in favor of the motion, and with Commissioners Dreyfuss and Presley absent, at its regular meeting held on Thursday, February 14, 2013, in Silver Spring, Maryland.

[Signature]
Françoise M. Carrier, Chair
Montgomery County Planning Board
<table>
<thead>
<tr>
<th>No.</th>
<th>Name &amp; Phone Number</th>
<th>Email</th>
<th>Organization &amp; Address</th>
<th>Time</th>
</tr>
</thead>
</table>
| 1   | Timothy Dugan       | tdugan@shulmanrogers.com | APPLICANT/Shulman Rogers  
12505 Park Potomac Ave  
Potomac, MD 20854 |      |
| 2   | Jack Jaeger         | jack@danac.com      | APPLICANT  
7501 Wisconsin Avenue  
Bethesda, MD 20814 |      |
| 3   | Vic Bryant          |                     | APPLICANT/Macris Hendricks  
9220 Wightman Rd #120  
Montgomery Village, MD 20886 |      |
| 4   | Toby Wilson         |                     | APPLICANT/Macris Hendricks  
9220 Wightman Rd #120  
Montgomery Village, MD 20886 |      |
| 5   | Marty Bates         |                     | Bates Architects  
121 North Court Street  
Frederick, MD 21701 |      |
| 6   |                     |                     |                                                              |      |
| 7   |                     |                     |                                                              |      |
| 8   |                     |                     |                                                              |      |
| 9   |                     |                     |                                                              |      |
| 10  |                     |                     |                                                              |      |
| 11  |                     |                     |                                                              |      |
| 12  |                     |                     |                                                              |      |
|     | **TOTAL**           |                     |                                                              | 0    |
SIGN-UP SHEET TO TESTIFY BEFORE THE PLANNING BOARD

INSTRUCTIONS AND IMPORTANT INFORMATION

1. To testify on an item on the Planning Board’s agenda, please fill out this form and give it to the Planning Board assistant at the end of the dais.

2. Written copies of testimony presented orally or copies of correspondence will not be distributed at the hearing.

3. All materials (PowerPoint and other electronic presentations, letters, photos, maps, etc.) that are shown during the Planning Board’s public hearings will be entered into the official record and will not be returned to you.

4. Ceding time to others is no longer permitted under the Planning Board’s Rules of Procedure. Those who wish to request additional time to speak at a hearing must do so by contacting the Planning Board Chair’s office at least 24 hours before the hearing.

5. Time allotted to speakers on non-regulatory items is at the Chair’s discretion. Public testimony is not generally taken on reconsideration requests, awarding of contracts, work sessions and roundtable discussion items.

6. While the Planning Board is in session: do not consume food or drink; do not hold signs; do not walk behind the dais. Silence all electronic devices. Be respectful of all speakers and the Board’s deliberations: do not engage in booing, hissing, applauding, or other commentary from the audience.

---

YOUR INFORMATION

☐ APPLICANT
☐ COMMUNITY ASSOCIATION REPRESENTATIVE
☐ A Buttering PROPERTY OWNER
☐ INDIVIDUAL
☐ GOVERNMENT OFFICIAL

3

AGENDA ITEM NUMBER
12/6/12

DATE

TIM DUGAN SHULMAN ROGERS
JACK JAESSER DJABAC
VIC BRYANT MACRIS HENDRICKS

YOUR NAME

NAME OF GROUP YOU ARE REPRESENTING (IF ANY).
Toby Wilson Macris Hendricks
Marty Gates Architects

ADDRESS

CITY

STATE

ZIP

The following order of speakers/testimony will be taken on all regulatory issues before the Planning Board:

A. Presentation of the Staff Report
B. Testimony from the Applicant
C. Testimony of Government Officials
D. Testimony of Authorized Representatives
   • Civic Associations
   • Homeowners Associations
   • Recognized Civic Entities
   • Other organized parties
E. Testimony of Adjoining or Abutting Property Owners
F. Testimony of Individuals
G. Rebuttal Testimony

10 minutes (total)
15 minutes (total)
7 minutes (each person)
10 minutes (each person)

5 minutes
3 minutes
(Chair’s discretion)
<table>
<thead>
<tr>
<th>No.</th>
<th>Name &amp; Phone Number</th>
<th>Email</th>
<th>Organization &amp; Address</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Timothy Dugan</td>
<td></td>
<td>APPLICANT/Shulman Rogers 12505 Park Potomac Ave Potomac, MD 20854</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Jay Johnson</td>
<td></td>
<td>APPLICANT/Camden 1420 Spring Hill Rd, #200 McLean, VA 22102</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Jack Jaeger</td>
<td><a href="mailto:jack@danac.com">jack@danac.com</a></td>
<td>APPLICANT 7501 Wisconsin Avenue Bethesda, MD 20814</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Vic Bryant</td>
<td></td>
<td>APPLICANT/Macris Hendricks 9220 Wightman Rd #120 Montgomery Village, MD 20886</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Toby Wilson</td>
<td></td>
<td>APPLICANT/Macris Hendricks 9220 Wightman Rd #120 Montgomery Village, MD 20886</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Ed Papazian</td>
<td></td>
<td>APPLICANT/Kimley-Horn 11400 Commerce Park Dr Reston, VA 20191</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td><strong>0</strong></td>
</tr>
</tbody>
</table>
SIGN-UP SHEET TO TESTIFY BEFORE THE PLANNING BOARD

INSTRUCTIONS AND IMPORTANT INFORMATION

1. To testify on an item on the Planning Board’s agenda, please fill out this form and give it to the Planning Board assistant at the end of the dais.

2. Written copies of testimony presented orally or copies of correspondence will not be distributed at the hearing.

3. All materials (PowerPoint and other electronic presentations, letters, photos, maps, etc.) that are shown during the Planning Board’s public hearings will be entered into the official record and will not be returned to you.

4. Ceding time to others is no longer permitted under the Planning Board’s Rules of Procedure. Those who wish to request additional time to speak at a hearing must do so by contacting the Planning Board Chair’s office at least 24 hours before the hearing.

5. Time allotted to speakers on non-regulatory items is at the Chair’s discretion. Public testimony is not generally taken on reconsideration requests, awarding of contracts, work sessions and roundtable discussion items.

6. While the Planning Board is in session: do not consume food or drink; do not hold signs; do not walk behind the dais. Silence all electronic devices. Be respectful of all speakers and the Board’s deliberations: do not engage in booing, hissing, applauding, or other commentary from the audience.

YOUR INFORMATION

☑ APPLICANT
☑ COMMUNITY ASSOCIATION REPRESENTATIVE
☐ ABUTTING PROPERTY OWNER
☐ INDIVIDUAL
☐ GOVERNMENT OFFICIAL

AGENDA ITEM NUMBER 4
DATE 12/6/12

YOUR NAME
JAY JOHNSON
CARLTON SHADE GROVE
JACK JACOB
DANAC

NAME OF GROUP YOU ARE REPRESENTING (IF ANY)
Toby Wilson
Macris Hendrick
Vic Bryant
Macris Hendrick

ADDRESS

CITY

STATE ZIP

ED PATAZIAN
KINLEY HOTON

The following order of speakers/testimony will be taken on all regulatory issues before the Planning Board:

A. Presentation of the Staff Report
B. Testimony from the Applicant
C. Testimony of Government Officials
D. Testimony of Authorized Representatives
   • Civic Associations
   • Homeowners Associations
   • Recognized Civic Entities
   • Other organized parties
E. Testimony of Adjoining or Abutting Property Owners
F. Testimony of Individuals
G. Rebuttal Testimony

10 minutes (total)
15 minutes (total)
7 minutes (each person)
10 minutes (each person)

5 minutes
3 minutes
(Chair's discretion)
MCPB No. 12-93
Sketch Plan No. 320120050
Camden Shady Grove
Date of Hearing: July 26, 2012

RESOLUTION

WHEREAS, under Section 59-C-15.42 of the Montgomery County Code the Montgomery County Planning Board ("Planning Board" or "Board") is authorized to review sketch plan applications; and

WHEREAS, on February 2, 2012, Camden USA, Inc. ("Applicant"), filed an application for approval of a sketch plan for construction of up to 498,072sf of residential uses and up to 5,000sf of non-residential uses on 7.62 gross acres of CR2 C1.5 R1.5 H150-zoned land, located on Parcel 7 in the northwest quadrant of the intersection of Key West Avenue and Diamondback Drive ("Subject Property") in the Great Seneca Science Corridor Master Plan ("Master Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320120050, Camden Shady Grove ("Sketch Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 11, 2012, setting forth its analysis of and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on July 26, 2012, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain binding elements and conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board approves Sketch Plan No. 320120050, Camden Shady Grove for construction of up to 498,072sf

Approved as to Legal Sufficiency: Christina Smith 7/18/12

M-NCPCC Legal Department
8787 Georgia Avenue, Silver Spring, Maryland 20910  Chairman's Office: 301.495.4605  Fax: 301.495.1320
www.MCParkandPlanning.org  E-Mail: mcp-chairman@mncppc.org
of residential uses and a minimum of 5,000sf of non-residential uses, on the Subject Property, subject to the following binding elements and conditions:¹

A. Binding Elements. The following site development elements are binding under Section 59-C-15.43(b)(4) of the Montgomery County Zoning Ordinance:

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

All other elements are illustrative.

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

1. Density
   The development is limited to a maximum total of 503,072 square feet of development, including a maximum of 498,072 square feet of residential uses and a minimum of 5,000 square feet of non-residential uses. The final amount of residential and commercial floor area and the final number of dwelling units will be determined at site plan; but a minimum of five live/work units must be provided.

2. Height
   The development is limited to a maximum height of 75 feet for occupiable space and 85 feet for architectural design elements.

3. Incentive Density
   The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-C-15.43(c); total points must equal at least 100 points and be chosen from at least 4 categories as required by Section 59-C-15.82(a); the requirements of Division 59-C-15 and the Implementation Guidelines must be fulfilled for each public benefit proposed.
   a. Transit proximity
   b. Connectivity and Mobility achieved through transit access improvements and wayfinding.

¹ For the purpose of these binding elements and conditions, the term “Applicant” shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.
c. Diversity of Uses and Activities achieved through provision of dwelling unit mix and enhanced accessibility for the disabled.

d. Quality Building and Site Design achieved through provision of structured parking, public open space, and exceptional design.

e. Protection and Enhancement of the Natural Environment achieved through the purchase of Building Lot Terminations ("BLT"s), tree canopy, vegetated area, and a cool roof.

4. Building Lot Terminations (BLTs)
Prior to release of any building permit, the Applicant must provide proof of purchase and/or payment for the required BLTs.

5. Moderately Priced Dwelling Units (MPDUs)
The development must provide MPDUs in accordance with Chapter 25A and with an agreement to build with the Department of Housing and Community Affairs finalized prior to any building permit for the building.

6. Transportation
At the time of Preliminary and Site Plan review, the Applicant must address the following issues:

a. Amendment of the existing Traffic Mitigation Agreement with the Montgomery County Department of Transportation ("MCDOT") and the Planning Board completed under the previous zoning to satisfy I-3 trip reduction requirements and participate in the Greater Shady Grove Transportation Management Organization ("TMO") that was executed originally on August 28, 1989.

i. Whether trip credits will be applied as a result of the conversion from commercial to residential will be evaluated during preliminary plan review.

ii. The amended Traffic Mitigation Agreement must be executed prior to release of any core and shell building permit for the building.

b. Provision of a public access easement for business district streets B-2 and B-7, as shown on the plan, on the record plat. The easement must be approved by the Planning Board and MCDOT, and should address the following issues:

i. Whether the existing internal roadways are adequately constructed and need not be demolished and reconstructed or modified to public standards and in accordance with the Road Code standards 2005.01 for B-2 and B-7 or, if not adequately constructed, need to be demolished and reconstructed or modified;

ii. Whether the existing sidewalks and other streetscape amenities associated with streets B-2 and B-7 that are not on Lot 7 are
adequately constructed and need not be demolished and reconstructed or modified to standards in conformance with the Great Seneca Science Corridor ("GSSC") Master Plan and Design Guidelines or, if not adequately constructed, need to be demolished and reconstructed or modified;

iii. Whether the proposed sidewalks and other streetscape amenities associated with streets B-2 and B-7 that are on Lot 7 and part of the Sketch Plan are in conformance with the GSSC Master Plan and Design Guidelines or, if not, need to be modified;

iv. Installation of public utilities will be permitted within the easement;

v. The streets within the easement may not be closed for any reason unless approved by MCDOT;

vi. The easement may be volumetric to accommodate uses above and below the designated easement area;

vii. The easement will grant the County the right to construct and install appropriate traffic control devices, if not required to be installed by the Applicant;

viii. The Applicant is obligated to remove snow and provide repairs to keep the streets in working order and open and if, for any reason, the Applicant does not, the County must have the right, but not the obligation, to remove snow and/or provide repairs;

ix. The final extent, delineation, and alignment of these streets will be determined at the time of site plan; and

x. Maintenance and Liability Agreements for each easement area will be entered into by the Applicant.

c. The Applicant must coordinate with the developer of Site Plan No. 820100090, JHU-National Cancer Institute, regarding the improvements to the intersection of Key West Avenue and Diamondback Drive/Broschart Drive, which is adjacent to the site.

d. The Applicant must work with the Maryland Transit Administration ("MTA") to assure that the subject plans reflect the latest MTA alignment and design of the Corridor Cities Transitway ("CCT") along the west side of Diamondback Drive and its proposed station at the intersection of Diamondback Drive and business district street, B-2.

e. The Applicant must provide and show on the site plan bicycle parking spaces consisting of public bike racks near the main entrances in a weather-protected area and secure, private bike spaces in the garage near the elevator in a safe, well-lit area. The specific number and location must be identified and shown on the site plan.

7. Future Coordination for Preliminary and Site Plan
In addition to any other requirements of Chapter 50, Subdivision Regulations, and Chapter 59, Zoning Ordinance, the following must be addressed when filing the preliminary or site plan:

a. Final alignment and design of streets and justification for not dedicating streets recommended to be public in the Master Plan;

b. Final dedication and coordination with MTA engineering of the CCT station;

c. Underground wet and dry utilities;

d. Fire and Rescue access and facility details;

e. Demonstration of how each public benefit meets the Ordinance and Guideline requirements and final point calculations;

f. Implementation of transportation improvements;

g. Implementation of stormwater management with Environmental Site Design methods to the maximum extent practicable;

h. Compliance with forest conservation law;

i. Consideration of building-to-street interface to maximize activation and safety;

j. Consideration of ways to ensure public use space will be accessible, inviting, and safe.

k. Focus on energy efficiency in site design, building orientation, and building design features;

l. Consideration of shadows on primary public use spaces;

m. Consideration of the Applicant’s request for a parking space waiver;

n. Consideration of final incentive density points; and

o. Finalization of design and specifications of live work units.

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of § 59-C-15.43(c), the Planning Board finds that as conditioned herein the elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan. Specifically, the Planning Board FINDS the Sketch Plan:

1. Meets the objectives, general requirements, and standards of Division 59-C-15;

   a. The Sketch Plan meets the objectives of Section 59-C-15.2 quoted below; specifically, the development as approved will:

      i. "Implement the policy recommendations of the applicable sector plan" by providing the residential uses, business opportunities, pedestrian circulation routes, and public benefits encouraged by the Master Plan. While the total density, height, and mix of uses envisioned is not yet obtained, full development of the campus may
still implement this vision through subsequent applications on the remaining parcels as transit opportunities are realized and density increases allowing taller buildings and greater commercial opportunities;

ii. “Target opportunities for redevelopment of single-use areas and surface parking lots with a mix of uses” by replacing a surface parking lot and lawn area with a residential building, structured parking, and live/work units;

iii. “Reduce dependence on the automobile by encouraging development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities” by providing housing with enhanced accessibility for the disabled, a mix of multi-family unit types, density adjacent to a proposed CCT station, access to the LSC recreation loop and numerous other bike routes, public open space and improved streetscapes, and a mix of diversity and connectivity public benefits;

iv. “Allow a mix of uses, densities, and building heights appropriate to various contexts to ensure compatible relationships with adjoining neighbors” by building residential and non-residential uses within the envelope established by the CR zone at a scale of development similar to existing and allowed buildings near the CCT station that allow densities up to 1.5 FAR and building heights up to 150 feet;

v. “Allow an appropriate balance of employment and housing opportunities” by providing diverse housing encouraged for this District in the Master Plan and potential employment for residents who occupy the live/work units as well as employees that will staff the complex; and

vi. “Provide public benefits that will support and accommodate density above the standard method limit” through the public benefits, as discussed in detail in Finding #5, that meet the requirements of the Ordinance and standards of the Implementation Guidelines.

b. The Sketch Plan meets the general requirements of Section 59-C-15.6 as follows:

i. Be substantially consistent with the GSSC Master Plan, as detailed in Finding #2 below, and substantially conform to the GSSC Design Guidelines by:

* Creating public use spaces that allow for recreation; are visible and usable; have a strong relationship to adjacent live/work units, transportation nodes, and the pedestrian network; and are not separated by barriers (page 13);
• Providing improved streets with wide sidewalks, street trees, lighting, amenities, and connections to adjacent pedestrian and bike routes (pages 14 & 44);
• Providing buildings as close to property lines as grades, stormwater areas, landscaping, and easements allow with access from units to perimeter sidewalks and, in particular, by providing live/work units along what will become a focal open space at the CCT station (pages 22 & 45);
• Providing design excellence with a landmark feature on the building at the CCT station with a design vocabulary new to the area that will be further developed through the site plan process (page 27); and
• Placing parking within a structure faced with residential uses (pages 18-19).

ii. Provide at least the minimum required number of bicycle parking spaces for residents and visitors, as determined by the final unit count and non-residential space approved with the site plan; and

iii. Provide parking spaces between the minimum required and maximum allowed, as determined by the final unit count and non-residential space approved with the site plan.

iv. The sketch plan meets the development standards of Section 59-C-15.7, as shown in the Data Table below:

<table>
<thead>
<tr>
<th>Development Standard</th>
<th>Required/Allowed</th>
<th>Approved by the Planning Board and Binding on the Applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max. Density (FAR)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>2.0</td>
<td>1.515</td>
</tr>
<tr>
<td>Residential</td>
<td>1.5</td>
<td>Up to 1.5</td>
</tr>
<tr>
<td>Commercial</td>
<td>1.5</td>
<td>Up to 0.015</td>
</tr>
<tr>
<td>Max. Height (feet)</td>
<td>150</td>
<td>75 for occupiable space</td>
</tr>
<tr>
<td></td>
<td></td>
<td>85 for non-occupiable architectural features</td>
</tr>
<tr>
<td>Setbacks</td>
<td>n/a</td>
<td>n/a</td>
</tr>
</tbody>
</table>
| Min. Public Use Space (% of net lot) | 10 | 10

Min. Residential Amenity Space
2. **Further the recommendations and objectives of the Great Seneca Science Corridor Master Plan;**

The Great Seneca Science Corridor Master Plan has several specific recommendations satisfied by this project. As part of the Life Science Center North District (LSC North), the development will:

- Provide mixed-use infill with residential uses and pedestrian-oriented live/work units that may provide local services (page 48), although true realization of this objective will only be realized as further applications are made on the remaining parcels of the campus;
- Provide public benefits as detailed in Finding #5;
- Improve pedestrian and bicyclist connections, through dedication for the CCT and improvements to the sidewalks and paths along each of the property's frontages (page 53); and
- Achieve more sustainable development patterns through balanced land use, connectivity improvements, open spaces, enhanced stormwater management, and building design (pages 26-30).

3. **Achieves compatible internal and external relationships between existing and proposed nearby buildings, open space, and uses;**

The buildings and open spaces are compatible with existing nearby buildings, open spaces, and uses. Development on adjacent properties is related to this Application: a site plan amendment has been filed to move surface parking from the Subject Property to a structured garage on an adjacent lot and a preliminary plan amendment has been filed to convert uses from office to residential and to update the preliminary forest conservation plan. Compatibility with existing and pending development is achieved through:

- Similar massing envelopes, although with more articulation and diversity of materials;
- Modest height, comparable to other built and allowed development which may build up to 110 feet in the LSC Zone, and 85 – 150 feet in the CR Zones on surrounding properties;
- Creation of defined streetscapes and open spaces that will begin to transform the pedestrian environment and network;
- Replacement of surface parking with internal structured parking creating a stronger relationship between buildings, sidewalks, and streets; and
• Addition of a complementary mix of uses.

4. Provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;

Circulation, parking, and loading for cars, trucks, pedestrians, and bicyclists are well designed or enhanced by the development. Specifically, this Sketch Plan provides:
• Off-street loading areas for the residents from a business district street avoiding congestion on Key West Avenue and Diamondback Drive;
• Access to the residential building from the public streets at existing curb cuts;
• Increased parking for bicycles;
• Improved sidewalks, amenities, and open spaces for pedestrians and bicyclists;
• Sufficient parking within new structures for residents and visitors; and
• Sufficient area left clear of buildings, major improvements, or important amenities for proper dedication for the CCT during preliminary plan review.

5. includes public benefits that support the approved incentive density;

To achieve the incentive density for this project, the Applicant must provide public benefits from four of seven categories that total at least 100 points. The public benefit categories the Applicant proposes to utilize include:

<table>
<thead>
<tr>
<th>Public Benefit</th>
<th>Max Points Allowed</th>
<th>Points Recommended</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Transit Proximity Category</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adjacent to Level 2 CCT Station</td>
<td>30</td>
<td>30</td>
</tr>
<tr>
<td><strong>Connectivity &amp; Mobility Category</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transit Access Improvement</td>
<td>20</td>
<td>15</td>
</tr>
<tr>
<td>Wayfinding</td>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td><strong>Diversity Category</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling Unit Mix</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Enhanced Accessibility</td>
<td>20</td>
<td>6</td>
</tr>
<tr>
<td><strong>Quality Design Category</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Structured Parking</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td>Public Open Space</td>
<td>20</td>
<td>8</td>
</tr>
<tr>
<td>Exceptional Design</td>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td><strong>Environmental Category</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BLTs</td>
<td>30</td>
<td>5</td>
</tr>
<tr>
<td>Tree Canopy</td>
<td>15</td>
<td>10</td>
</tr>
</tbody>
</table>
Vegetated Area | 10 | 8
--- | --- | ---
Cool Roof | 10 | 8
**Total | 120 |**

**Generally**

General incentive density considerations are established by the zoning ordinance and include:

- The recommendations of the master plan;
- The Incentive Density Guidelines and master plan guidelines;
- The size and configuration of the tract;
- The relationship of the site to adjacent properties;
- The presence or lack of similar public benefits nearby; and
- Enhancement beyond the criteria required for the public benefits.

The Master Plan has few specific recommendations for this site and generally encourages “public benefits that improve connectivity and mobility or add to the diversity of uses and activity” in this District (page 48). In even more general terms, the Master Plan focuses on several issues: Linking Land Uses/Connecting Communities (page 20), Housing (page 23); Urban Form and Open Spaces (page 25); Sustainability (page 26); and Community Facilities, Open Spaces, and Connectivity (page 30).

The Sketch Plan proposes taking advantage of the transit proximity and four public benefits from the connectivity and diversity categories to satisfy the recommendations for the District and the Linking Land Uses/Connecting Communities and Housing foci of the Master Plan. To satisfy the Urban Form and Open Spaces and Community Facilities, Open Spaces, and Connectivity foci, the Sketch Plan proposes open space above the minimum required amount, structured parking designed consistent with the Guidelines, and exceptional design to create a landmark architectural feature and open space at the CCT station. The Sustainability element of the Master Plan is satisfied through provision of BLTs, tree canopy, vegetated area, and a cool roof to improve water and air quality, mitigate climate change, and protect biological diversity.

Being a rather large site with the highest density recommended in the Master Plan, the Sketch Plan takes advantage of the tract and density to provide structured parking faced with active uses and open space above the minimum required, focused appropriately on the CCT station.

This development is the first proposed CR-zoned application on the west side of the LSC North District; it is one of the few sites directly adjacent to one-family residential development. It is also the first sketch plan for a site with an adjacent CCT station. Thus, the Sketch Plan proposes public benefits to take advantage
of transit proximity and provide increased connectivity with active open spaces near the CCT station and connecting trails rather than within the site and nearer the adjacent residential development.

There are no nearby developments that have provided public benefits to compare with this development. Although the Application does not qualify for points for live/work units, they are being provided to allow a flexible non-residential use near the CCT. As development proceeds, future applications will find a better market for neighborhood-serving retail and services, although this Application focuses on housing for the employees of the LSC area. This proposal is one of a few different attempts to experiment with a mix of uses that is sustainable from inception (and in a still suburban environment) and it can evolve as density and transit opportunities are realized.

Transit Proximity
Being adjacent to a CCT station (level 2 transit) and, in fact, dedicating right-of-way for the station and alignment, the Sketch Plan is eligible for 30 points. The Planning Board is granting the full 30 points to spur development and increase the likelihood that a mix of uses in the area will become more financially viable.

Transit Access Improvement
Up to 20 points may be granted for transit access improvements. These improvements must improve access to a transit facility to at least meet the County’s accessibility standards. In this case, the proposed CCT station must be built about 8 feet below grade and is only accessible by stairs or by walking (or rolling) to the intersection of Diamondback Drive and Discovery Drive. An alternative is proposed by this development – switch-back ramps integrated into the open space directly adjacent to the station platform. This is an intensive and complicated improvement and implements an important Master Plan goal. The Planning Board is granting 15 points for construction of this Transit Access Improvement.

Wayfinding
Up to 10 points may be granted for the design and implementation of a wayfinding system. The Application proposes several signs at key intersections and the CCT station providing directional signage to nearby amenities, bike routes, and transit facilities. Although the final design and layout will be determined at site plan, the Planning Board requests at least 7 signs be provided and that each have a map encompassing the area within at least a ½ mile radius from the CCT station indicating directions to certain features as appropriate for
the individual sign locations. Based on fulfillment of these criteria that will encourage the Linking & Connecting goals of the Master Plan, the Planning Board is granting 5 points for implementation of the wayfinding system.

**Dwelling Unit Mix**
Up to 10 points may be granted for providing a dwelling unit mix that includes at least 7.5% efficiency units, 8% 1-bedroom units, 8% 2-bedroom units, and 5% 3-or-more bedroom units. Under the Guidelines, the Planning Board should only grant 5 points for meeting the minimum unit mix and 10 points only for a greater mix (10% efficiency, 10% 1-bedroom, 10% 2-bedroom, and 7.5% 3-bedroom). But, because diversity of housing is a specific Master Plan goal for this District and the fact that some of these units will be live/work, further enhancing the diversity of uses and activities, the Planning Board is granting the full 10 points for provision of the unit mix required by the Ordinance.

**Enhanced Accessibility for the Disabled**
Up to 20 points may be granted for constructing units that satisfy ANSI A117.1 Residential Type A standards. The Guideline formula is that one point be granted for each percent of units that meet the criteria but Staff has finalized a revised draft of the Guidelines that will be reviewed by the Planning Board in September. In the revised draft, Staff recommends that three points be granted for each percent of units that meet the criteria. Like the dwelling unit mix, this public benefit helps fulfill a Master Plan goal and, in this case, 2% of the units are proposed to ANSI A117.1 standards and that the Planning Board is granting 6 points for the provision of this benefit.

**Structured Parking**
Up to 20 points may be granted for provision of parking within a structure. A formula dividing the parking provided within an above-ground structure by the total parking provided and multiplying the result by 10 has been approved in the guidelines (below ground parking spaces are eligible for double the points because of the greater cost). The parking is wrapped by residential uses so mitigation of visibility is not a concern. In this case 99% of the parking is within an above grade structure, therefore the Planning Board is granting 10 points for the provision of this benefit.

**Public Open Space**
Up to 20 points may be granted for providing public open space above the minimum required by the zone. The Guideline formula requires dividing the proposed amount of open space above the minimum required by the zone divided by the net tract area and then multiplied by 100. Eight percent of the net tract area (above the minimum 10% required by the zone) is being provided as public open space. This area is near a CCT station, which is recommended for
open space of ¼ to ½ acres. The open space provided at the station alone is about 0.4 acres. The design also meets the accessibility, size, and activation criteria of the guidelines, therefore the Planning Board is granting 8 points for this public benefit.

Exceptional Design
Up to 10 points may be granted for building and site design whose visual and functional impacts enhance the character of the setting. The Guidelines have established 6 criteria to evaluate the exceptional design public benefit and recommends that the Application meet at least five of these criteria for the full 10 points. The Planning Board concludes that three of these criteria are met:

- Providing an innovative solution in response to the immediate context by, in this case, creating a site design that accommodates and integrates a transit station below grade with public space and pedestrian and bicycle routes;
- Creating a sense of place and serving as a landmark through the architectural treatment at the corner of Key West and Diamondback and the distinct design vocabulary and amenities provided at the station open space; and
- Enhances the public realm in a distinct and original manner through turning a difficult context with evolving variables into an asset through unique landscape design, integration of various unit types (bedroom mix, enhanced accessibility units, and live/work units), and construction of a street-focused building in a currently suburban environment.

For these reasons, the Planning Board grants 5 points for this public benefit (with the final analysis being done at site plan).

BLTs
Five points are required for CR-zoned optional method projects and are calculated by a formula established in the Ordinance. The Applicant will provide the BLTs as required and the Planning Board grants the 5 required points for this public benefit.

Tree Canopy
Up to 15 points may be granted for tree canopy coverage at 15 years growth over 25% of the on-site open space. The important sustainability goals of improving air and water quality as well as protection of biodiversity are enhanced by tree canopy. Because no underground structures are involved and the conceptual landscape design shows large planting areas, the Planning Board grants 10 points for this public benefit. A larger area of coverage, use of only native trees, or large planting size may be considered for the full 15 points.

Vegetated Area
Up to 10 points may be granted for installation of plantings meeting certain criteria, including coverage of at least 5,000sf. The Sketch Plan proposes vegetated area of 8,500sf which is not included in the required public use space, the proposed public benefit open space, or any easements. Ten points are granted only for projects that far exceed the minimum – up to twice the area required (10 points for 10,000sf) – and points are awarded on a pro-rated basis below that. In this case, the Planning Board grants 8 points for this public benefit.

Cool Roof
Up to 10 points may be granted for constructing roofs with a minimum solar reflectance index ("SRI"). The Applicant proposes to meet the minimum SRI for a flat roof. As seen in the aerial photograph of the area, the District is dominated by dark roofs, parking lots, and roads; decreasing the heat island effect and making a more energy efficient building are encouraged by the sustainability goals of the Master Plan. For this reason and because this is such a large building, the Planning Board grants 8 points for this benefit.

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

The development may be built in one phase. Thus, no particular provisional phasing plan is required at this stage of design; a full development program to establish phasing of the elements required by this Application will be developed and analyzed during preliminary and site plan reviews.

BE IT FURTHER RESOLVED that at the time of site plan, the Planning Board may approve changes to this Sketch Plan under certain circumstances. If the Applicant proposes to change a condition of approval or binding element, or agrees to a change proposed by another party, the proposed change must satisfy the requirements for approval of a sketch plan and site plan, including Section 59-C-15, Section 59-D-3.4, and the Great Seneca Science Corridor Master Plan. If Staff proposes to change a condition of approval or binding element, however, the Board may approve the change if necessary to ensure conformance with Section 59-C-15, Section 59-D-3.4, or the Master Plan. In other words, for the Board to approve an Applicant-proposed change of a binding element it must find consistency with applicable standards; for the Board to approve a modification to a Staff-proposed binding element that the Applicant has not agreed to, the Board must find that the proposed change is necessary to meet the site plan approval standards, including conformance with zoning and Master Plan requirements.
Alternatively, based on detailed review of a site plan, the Board may find that any element of the approved Sketch Plan, including a binding element, does not meet the requirements of the zone, Master Plan, or other findings necessary to approve a site plan, and deny the site plan application.

The Board’s review of sketch plans is governed by Section 59-C-15.43, which provides that “in approving a sketch plan” the Board must find that certain elements of the sketch plan are “appropriate in concept and appropriate for further detailed review at site plan.” Because the Board’s approval of a sketch plan is in concept only and subject to further detailed review at site plan, it necessarily follows that the Board may find, based on detailed review of a site plan, that any element of a sketch plan does not meet the requirements of the zone, master plan, or other requirements for site plan approval. The Board does not have the authority at the time of sketch plan to predetermine that any element of the sketch plan will satisfy all applicable requirements for site plan approval. As a practical matter it would be unwise for it to do so, due to the limited detail contained in a sketch plan and the sketch plan’s unlimited validity period. If the Board were unable to require changes to binding elements at the time of site plan to ensure compliance with all code and master plan requirements, the Board might have decided to approve fewer elements of this Sketch Plan as binding.

Although the Board does not have the authority to provide complete certainty about the conditions of approval or binding elements of a sketch plan, this does not mean that the Board should or will require changes to an approved sketch plan without good reason. To do so would be inefficient and unfair to Applicants and community members whose expectations about the future shape of development will be formed by what the Board approves in a sketch plan; and

BE IT FURTHER RESOLVED that all elements of the plans for Sketch Plan No. 320120050, Camden Shady Grove, stamped received by M-NCPPC on May 23, 2012 are required except as modified herein; 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 13 TUES 13 2012 (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 Dreyfuss, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion at its regular meeting held on Thursday, July 26, 2012, in Silver Spring, Maryland.

Francoise M. Carrier, Chair
Montgomery County Planning Board