



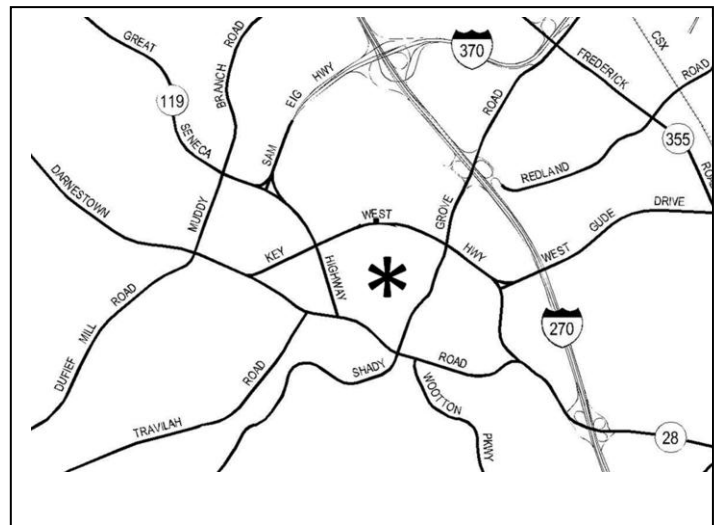
**Shady Grove Adventist Hospital: Preliminary Plan No. 120110160**

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**Description**

Staff Report Date: 1/13/14

- Request to subdivide the Subject Property into 7 lots to allow for a total of 1,133,856 square feet of hospital and life-science related uses (626,910 square feet previously approved, 506,946 square feet new), and a request for a waiver of parking spaces (to be determined at site plan review);
- Located in the northeast quadrant of the intersection of Medical Center Drive and Broschart Road;
- Approximately 39.16 acres in the LSC Zone, in the 2010 *Great Seneca Science Corridor Master Plan* area;
- Applicant: Adventist HealthCare;
- Filing Date: March 24, 2011.



**Summary**

- Staff recommends approval with conditions.
- By approving this Preliminary Plan, the Board is also approving the Preliminary Forest Conservation Plan and Water Quality Plan.
- The Applicant is requesting that the four master-planned business district streets be accepted as private roads with public access easements.
- Although the proposed development would be considered new commercial development per the Master Plan, the Planning Board can approve the proposed development because healthcare services are exempt from the requirements of Stage 1. Therefore, the Planning Board can approve the proposed Preliminary Plan although all of the commercial capacity for Stage 1 has been allocated and Stage 2 is not yet open. If approved, the 506,946 square feet of new LSC uses proposed by this plan will count against the commercial capacity for Stage 2.
- The Applicant is contesting the need for a Forest Conservation Plan and associated Forest Conservation Tree Variance.

## PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

Staff recommends approval of Preliminary Plan No. 120110160 subject to the following conditions:

1. Total development on the Subject Property is limited to an additional 506,946 square feet of medical-related uses for a total of 1,133,856 square feet of medical-related uses.
2. Prior to record plat, the Applicant must dedicate the Master Plan recommended 150-foot right-of-way for Broschart Road (150 feet from the opposite right-of-way line along the Subject Property frontage). The Applicant must reflect the dedication on the record plat.
3. Prior to record plat, the Applicant must dedicate the Master Plan recommended 100-foot right-of-way for Blackwell Road (100 feet from the opposite right-of-way line along the Subject Property frontage). The Applicant must reflect the dedication on the record plat.
4. The Applicant must satisfy the Local Area Transportation Review ("LATR") test by providing the following intersection improvements:
  - a. Key West Avenue-West Montgomery Avenue (MD 28) and Shady Grove Road:
    - i. Extend the third left-turn lane on eastbound Key West Avenue through participation in the previously established Road Club of the developers of Preliminary Plan No. 120110080, 9800 Medical Center Drive and Preliminary Plan No. 11986115C, Johns Hopkins University (JHU)-Montgomery County Medical Center (MCMC).
    - ii. The Applicant must contribute the equivalent cost of adding a fourth westbound lane and removing the second northbound left-turn lane and replacing it with a fourth southbound lane towards implementation of the Corridor Cities Transitway.
  - b. Key West Avenue (MD 28) and Omega Drive-Medical Center Drive: Reconfigure the left-most through lane on southbound Omega Drive to a second left-turn lane through participation in the Road Club of the developers of Preliminary Plan No. 11986115C, JHU-MCMC, and Preliminary Plan No. 120120180/Site Plan No. 820120130, Mallory Square.
  - c. Great Seneca Highway (MD 119) and Sam Eig Highway: Construct a third eastbound through lane on Great Seneca Highway with the necessary traffic signal modifications through the participation in the Road Club of the developers of Preliminary Plan No. 120110080, 9800 Medical Center Drive, and Preliminary Plan No. 11986115C, JHU-MCMC.
  - d. Great Seneca Highway and Muddy Branch Road: Construct a second left-turn lane on northbound Muddy Branch Road and a second left-turn lane on westbound Great Seneca Highway with the necessary traffic signal modifications through participation with the developer of Preliminary Plan No. 11986115C, JHU-MCMC.
5. The Applicant must submit a Letter of Intent to confirm its plan to identify, create, fund, and construct the intersection improvements by the previously established or a new privately-operated Road Club. Prior to release of any building permit, the intersection improvements above must be permitted and bonded by the Montgomery County Department of Permitting Services ("DPS") and the Maryland State Highway Administration ("SHA").
6. Prior to release of any building permit, the Applicant must execute a Traffic Mitigation Agreement with the Planning Board and the Montgomery County Department of Transportation ("MCDOT") to participate in the Greater Shady Grove Transportation Management Organization and assist in achieving its Stage 2 non-auto driver mode share of 18%, in compliance with the *Great Seneca Science Corridor Master Plan*.

7. Business district streets B-8 (Road G), B-12 (Road K), B-15 (Road N), and B-16, as shown on the Plan, may be implemented as private streets subject to the following conditions:
  - a. Prior to record plat, the Applicant must grant public access easements for the private streets and adjacent parallel sidewalks. The public access easement agreement must be reviewed and approved by MCDOT and the Maryland-National Capital Park and Planning Commission ("M-NCPPC"), and the boundaries of the easement areas must be shown on the record plat. The easement agreement must include, at a minimum, provisions for the following:
    - i. The public access easement must include volumetric dimensions to accommodate uses above and below the designated easement areas for the private streets as described below:
      1. The full 70 feet of public access easement along north-south Road G/master-planned business district street, B-8, on the Property and four adjacent properties.
      2. The full 60 feet of public access easement along east-west Road K/master-planned business district street, B-12, on the Property and one adjacent property.
      3. The full 70 feet of public access easement along east-west Road N/master-planned business district street, B-15, on the Property.
      4. The full 70 feet of public access easement along east-west Traville Gateway Drive Extended/ master-planned business district street, B-16, on the Property, except the section accepted as 50 feet in front of the hospital, as shown on the Preliminary Plan.
    - ii. Installation of public utilities must be permitted within the public access easement areas.
    - iii. The private streets may not be closed for any reason unless approved by MCDOT.
    - iv. Montgomery County may require the Applicant to install appropriate traffic control devices within the public access easement areas, and the County must have the right to construct and install such devices.
    - v. At the time of record plat, Maintenance and Liability Agreements for each easement area must be entered into by the Applicant. These Agreements must identify the Applicant's responsibility to maintain all the improvements within the easement areas in good fashion and in accordance with applicable laws and regulations.
    - vi. MCDOT must inspect the private streets once they are constructed and verify that they have been constructed in accordance with the corresponding Road Code standard for a similar public road.
    - vii. The Applicant is obligated to remove snow and provide repairs to keep the roads open and in working order and if, for any reason, the Applicant does not, Montgomery County must have the right, but not the obligation, to remove snow and/or provide repairs within the easement areas.
    - viii. Montgomery County may charge the Applicant stormwater management fees if County facilities are to be utilized.
  - b. The public access easement must be shown on the record plat, and all private streets must be located within their own parcel, separate from the proposed development.
8. The Applicant must construct the private streets to corresponding public road standards and in accordance with Montgomery County Road Code standard 2005.02 for streets B-8, B-15, and B-

16 and Road Code standard 2005.01 for street B-12, including sidewalks and amenities, unless modified by MCDOT and the Planning Board at the time of site plan review. The design of these master-planned roads must also comply with the *Great Seneca Science Corridor Master Plan*, and the Master Plan's Urban Design Guidelines. The final extent, delineation and alignment of these streets shall be determined at the time of site plan review. The Applicant must ensure that any subsequent site plans for the Subject Property reflect the latest Maryland Transit Administration ("MTA") alignment and design of the CCT along the east side of Broschart Road and the CCT station on the Applicant's side of Broschart Road near the intersection of Blackwell Road.

9. The Applicant must show on the entire cross-section of the adjacent streets and intersections including the CCT Station, curb cuts on the opposite side, and crosswalks and handicapped ramps on all intersection legs at the time of site plan review.
10. Prior to issuance of any Use and Occupancy Certificate, the Applicant must construct the master-planned 8-foot wide shared use paths LB-1, LCS Loop, along Medical Center Drive and SP-66, CCT, along Broschart Road.
11. The Applicant must show the required number of bicycle parking spaces by providing inverted-U bike racks for visitors near the main entrance in a weather-protected area and bike lockers or secured bike rooms for employees at the time of site plan review.
12. The Applicant must submit a Final Forest Conservation Plan with subsequent site plans for the Subject Property. The Applicant may install plantings or make payments of the fee in lieu pursuant to the approved Final Forest Conservation Plan on a pro-rata share basis with each site plan.
13. Prior to any clearing or grading on the Subject Property, the Applicant must submit and obtain approval of the forest conservation financial security instrument.
14. The Applicant must include three native canopy trees of at least 3" dbh in mitigation for the removal of variance tree T-17. These trees should be shown on the landscape plans submitted with the Site Plan.
15. The Planning Board has accepted the recommendations of MCDOT in its letter dated January 6, 2014, 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 this Preliminary Plan approval.
16. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
17. The Planning Board has accepted the recommendations of the DPS stormwater management concept approval letter dated April 5, 2011, 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.
18. No clearing and grading of the site or recording of plats can occur prior to approval of the Certified Site Plan except for demolition of the existing structures.

19. In the event that a subsequent Site Plan approval substantially modifies the subdivision shown on the Preliminary Plan with respect to lot configuration or right-of-way location, width, or alignment (except the modifications required by these conditions), the Applicant must obtain approval of a Preliminary Plan amendment prior to certification of the Site Plan.
  20. 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."
  21. All necessary easements must be shown on the record plat.
  22. Phased Validity Periods:
    - a. The Adequate Public Facility (APF) approval for the Preliminary Plan will remain valid subject to the following phasing schedule:
      - Phase I: Issuance of building permits for the originally approved 626,910 square feet of development (523,480 square feet of built and 103,430 square feet of approved but unbuilt) before July 25, 2019.
      - Phase II: Issuance of building permits for 256,946 square feet of development (for a cumulative total of 883,856 square feet) within 85 months from the date the Preliminary Plan Resolution is mailed.
      - Phase III: Issuance of building permits for 250,000 square feet of development (for a cumulative total of 1,133,856 square feet) within 145 months from the date the Preliminary Plan Resolution is mailed.
    - b. The validity period of the Preliminary Plan is subject to the following phasing schedule; by which time the record plat(s) for the land area that will be needed to construct the buildings in each APF phase must be recorded:
      - Phase I: By July 25, 2019;
      - Phase II: 61 months from the date the Preliminary Plan Resolution is mailed;
      - Phase III: 121 months from the date the Preliminary Plan Resolution is mailed.
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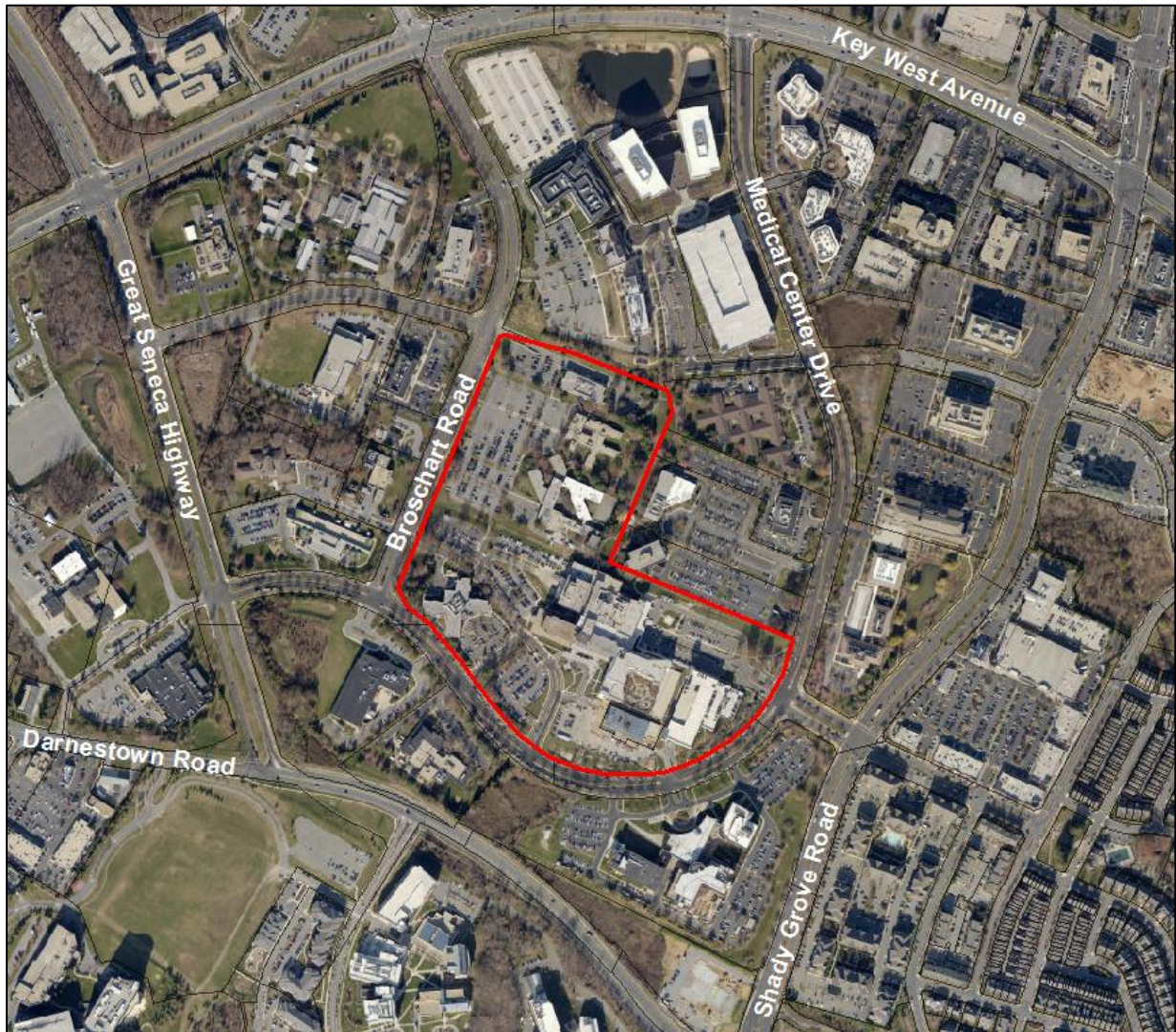
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## SECTION 1: CONTEXT AND PROPOSAL

### SITE DESCRIPTION

The LSC zoned Property (outlined in red) is located in the LSC Central District, one of the five Districts that make up the Life Sciences Center (LSC) in the Great Seneca Science Corridor (GSSC) Master Plan area. The surrounding properties are primarily a mix of life science, medical, and commercial office uses including the Johns Hopkins Montgomery County Medical Center to the immediate north. The property will eventually accommodate the Corridor Cities Transitway (CCT) with an alignment along the western edge of the Property and a stop planned at the northwest corner of the Property.

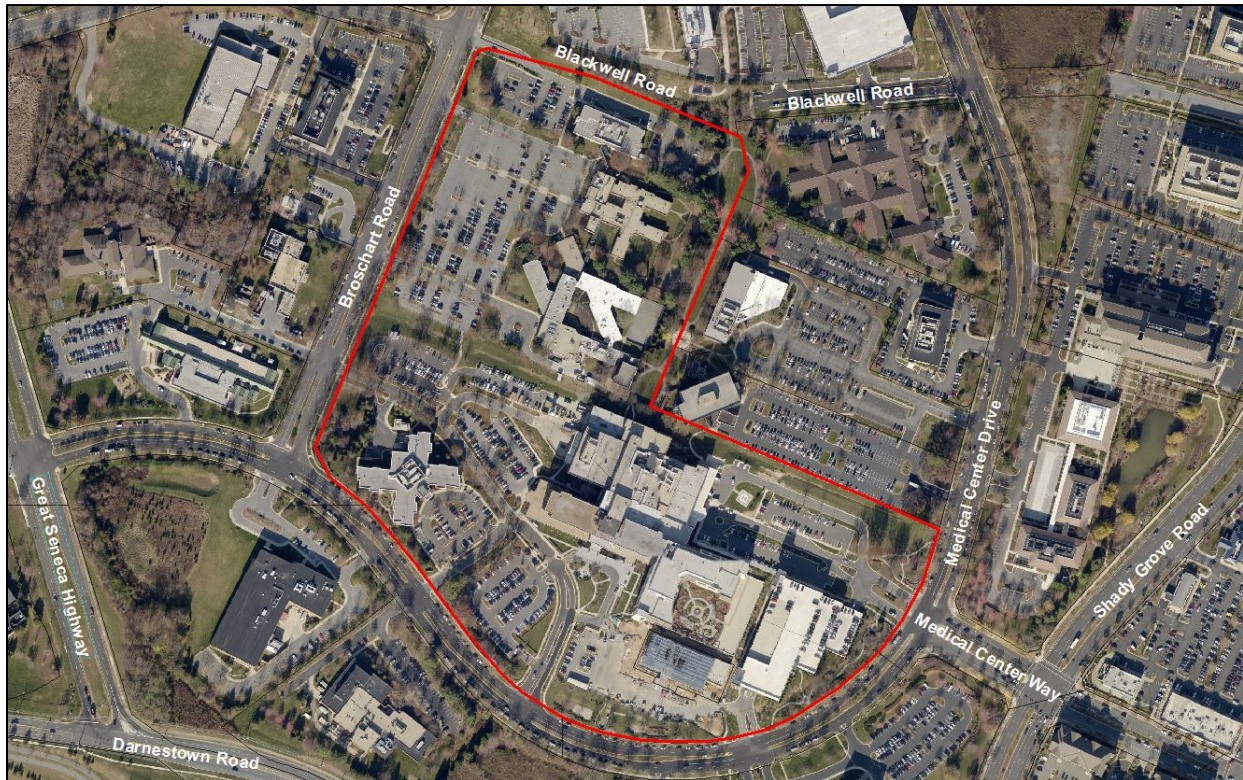


*Vicinity Map*

The Property is approximately 39.16 acres and is bound by Broschart Road to the west, Medical Center Drive to the east and south, and Blackwell Road to the north. Blackwell Road is envisioned as a future road connection, which will separate the Subject Property from the adjoining Johns Hopkins Montgomery County Medical Center property to the north. The site is currently developed with the Shady Grove Adventist Hospital, multiple buildings with associated medical uses, and surface parking



lots. There are some landscaping trees that have achieved significant size over the years, and one tree has reached specimen size. The site slopes gently from north to south, and drains to the Piney Branch, which is in a Special Protection Area. There are no forests, streams, wetlands, or floodplain areas on the Property.



*Site View*

## **PROJECT DESCRIPTION**

### **Previous Approvals**

The Property comprises a large portion of the twenty-four lots in the Original Shady Grove Life Sciences Center (SGLSC) Preliminary Plan 119882330, which was approved in March 1990 and limited development on the twenty-four lots to a total of 1,671,454 square feet. According to the most recent SGLSC Development Summary dated December 6, 2010, the parcels that have been consolidated to form the Property (Parcel 5) had assigned floor area ratios (FAR) that ranged between 0.21 and 0.45, and allowed for up to 626,910 square feet of development. To date, approximately 523,480 square feet of hospital/medical uses have been constructed onsite, while approximately 103,430 square feet of approved but unbuilt development remain.

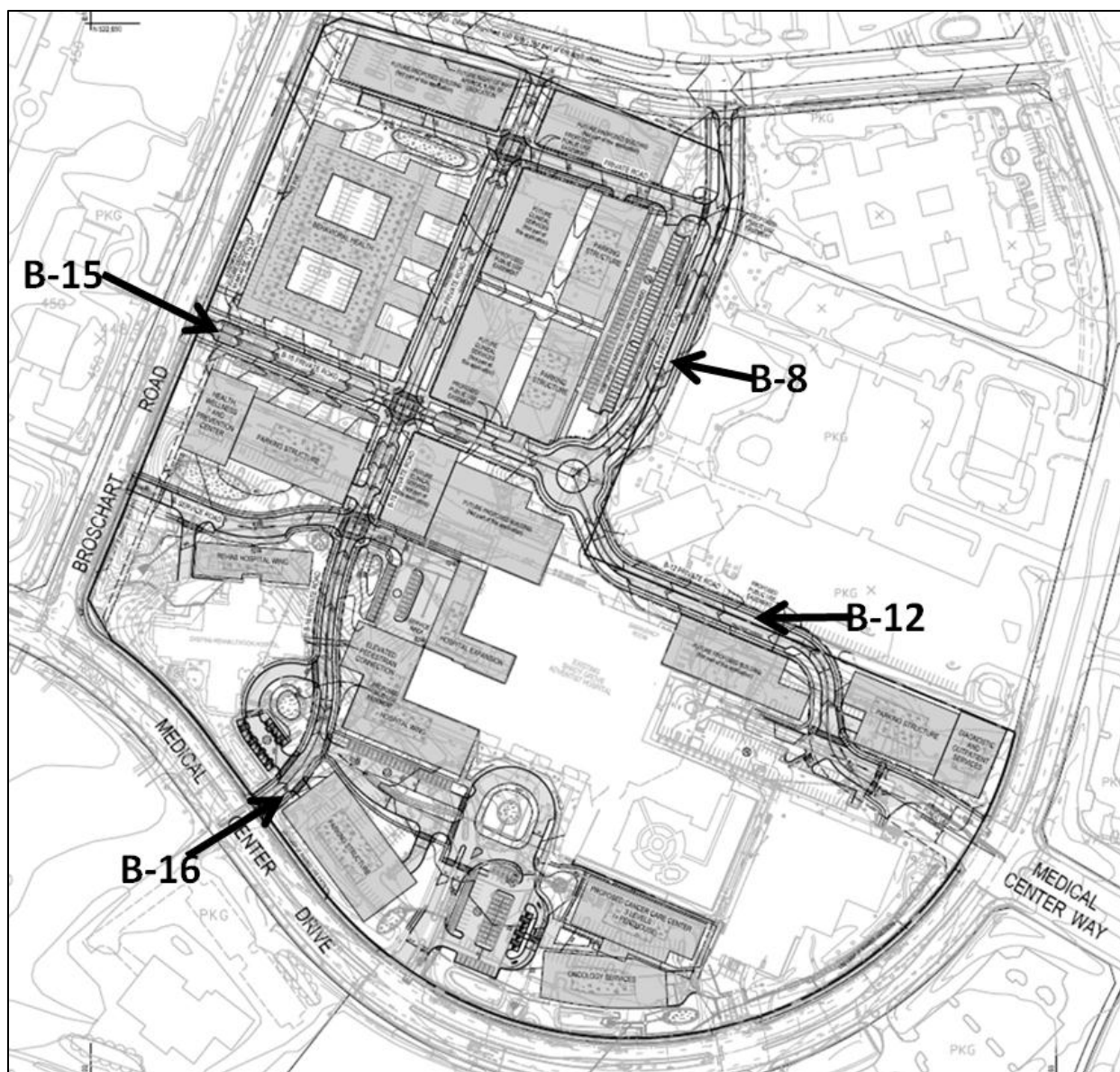
The original Adequate Public Facilities (APF) finding was to remain valid until July 25, 2001. Subsequently, per two separate APF extension requests, the APF validity period was extended until July 25, 2007, and July 25, 2013, respectively. Additionally, the County Council has now passed three separate actions to grant automatic two-year extensions (six years total) to any/all valid plans, which this project qualified for. Therefore, the original APF validity period for the remaining 103,430 square feet of development on the Property is valid until July 25, 2019.



**Proposed Project**

The Preliminary Plan (Attachment A) will revise the previously recorded parcel by dedicating additional public right-of-way for Blackwell Road and Broschart Road, and creating new private road parcels for other master planned roadways. The Applicant is requesting 506,946 square feet of new development in addition to the existing 626,910 square feet of approved development for a total of 1,133,856 square feet of development onsite. If approved, the resulting density would be approximately 0.67 FAR, which is still well under the maximum 1.5 FAR the Master Plan allows on the Property.

This Preliminary Plan proposes to subdivide the Property into 7 lots and a parcel(s) for private roads with public access easements, and establish the lot, block, roadway, and open space configuration of the Property consistent with the adopted Master Plan. The master-planned business district streets B-8, B-12, B-15, and B-16 will be constructed to the public road standards specified in the Master Plan, will be provided in their own separate and distinct parcel(s), and will be provided as internal private roads with perpetual public use and access easements. The surface parking is proposed to be shifted to parking structures and dispersed throughout the site as future development is allowed to move forward subject to subsequent site plan approvals. Sidewalks and/or shared-use-paths will be provided to serve the site both internally and along the frontages of the major roads on the periphery.



The previously approved internal circulation pattern and street network is being modified to provide a more efficient grid pattern of blocks. Importantly, the utilities are being planned in advance along the proposed roadways in anticipation of full build-out of the Subject Property.

### Community Outreach

The Applicant presented the Preliminary Plan to the GSSC Implementation Advisory Committee and answered general questions from committee members regarding the plans for expansion on the hospital Property. 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).

## **DEVELOPMENT ISSUES**

### **Private Roads with Public Access Easements**

The Applicant has requested that the four master-planned business district streets associated with the Property be accepted as private roads with public access easements similar to other projects/approvals in the Life Sciences Center (see Applicant Letter – Attachment B). Per previous approvals, Staff recommends that all perimeter and arterial roads must reflect the full dedication required by the Master Plan, but the master-planned business district streets may be provided in their own separate parcels with public access easements.

The Master Plan identifies four business district rights-of-way on the Property:

- B-8, on the central eastern portion of the Property provides a connection from Blackwell Road;
- B-12, on the central eastern portion of the Property provides a connection from Medical Center Drive;
- B-15, on the western portion of the Property provides a connection from Broschart Road; and
- B-16, on the southern portion of the Property provides a connection from Medical Center Drive.

B-12 is to be constructed as 60-foot wide right-of-way, while business district streets B-8, B-15, and B-16 are to be constructed as 70-foot wide rights-of-way, except for a small portion of the road at the entrance to the Property from Medical Center Drive. B-16 will be 50-feet wide for this small segment as it provides access to the site due to existing buildings and the location of the main entrance to the hospital. The Master Plan envisioned these roadways to be dedicated to public use, and the private roads with public access easements can accommodate the traffic envisioned by the Master Plan with the proposed widths and alignments.

The Applicant has requested permission to construct these roads as private roads with public access easements instead of dedicating the roads to the public. After an extensive amount of interagency coordination, several meetings between planners and multiple applicants/properties in the GSSC, and internal review, staff recommends that the business district roads be accepted as private roads subject to the recommended conditions of approval.

Staff conditionally supports this request for private, business district roads due to the unique circumstances of the Shady Grove Adventist Hospital (SGAH) site. The SGAH site is being developed and maintained as a hospital campus environment, and SGAH will retain ownership of the land in order to control the overall design, appearance, and character of the hospital campus. These internal roads, unlike the perimeter roads (i.e., Broschart Road, Blackwell Road, and Medical Center Drive), are not essential to the primary connecting network for the Master Plan area. As private roads with public access easements, they will still provide alternative 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, will be located within their own separate and distinct parcel with public access easements reflecting the master-planned right-of-way widths specified for B-8, B-12, B-15, and B-16 (with the exception of the small segment of B-16 that will be 50-feet wide as shown on the Preliminary Plan), and will be recorded on the plat. Therefore, in this instance, the master-planned roads B-8, B-12, B-15, and B-16 will essentially function as public roads in a dedicated right-of-way. However, SGAH will be responsible for maintenance of the roads.

## **Applicant Request for Extended APF Validity Periods**

### *Applicant's Request*

Currently, there is approximately 103,430 square feet of approved but unbuilt development on the Subject Property with an APF that remains valid for another 5 ½ years. The Applicant is requesting the maximum 12-year APF Validity Period for the 610,376 square feet (103,430 square feet of unbuilt, and 506,946 square feet new) of LSC uses proposed by this Preliminary Plan. Pursuant to Section 50-20(c)(3)(A)(iii) (Attachment C) of the Subdivision Regulations, the Planning Board can make an APF determination for “no less than 7 and no more than 12 years after the preliminary plan is approved, as determined by the Board at the time of approval, for any plan approved on or after April 1, 2009, but before April 1, 2015.” In accordance with Sections 50-20(c)(3)(B) (Attachment D) and 50-34(g) (Attachment E) of the Subdivision Regulations, the Applicant is requesting a validity period that is longer than the minimum specified in the Subdivision Regulations.

The Applicant believes that the extended APF validity period and phasing schedule promotes the public interest for a variety of reasons. The extended validity period and phasing schedule would allow the Applicant to construct the various components of the Project in coordination with the requisite licensure, financing, certificate of need, and patient demand issues related to the development of a large healthcare facilities campus. The phasing schedule also permits the Applicant to appropriately accommodate the timeframes of delivery of major infrastructure improvements including the extension of Blackwell Road between Medical Center Drive and Broschart Road and construction of internal streets that connect the perimeter roads within the Property. The proposed phasing schedule provided, pursuant to 50-34(g), is listed as follows:

- Phase I: Issuance of building permits for the originally approved 626,910 square feet of development (523,480 square feet of built and 103,430 square feet of approved but unbuilt) before July 25, 2019.
- Phase II: Issuance of building permits for 256,946 square feet of development (for a cumulative total of 883,856 square feet) within 85 months from the date the Preliminary Plan Resolution is mailed.
- Phase III: Issuance of building permits for 250,000 square feet of development (for a cumulative total of 1,133,856 square feet) within 145 months from the date the Preliminary Plan Resolution is mailed.

The Applicant believes the above phasing schedule appropriately accommodates the length and complexities of the design and development proposed in furtherance of the vision of the Applicant and the County for the Property (see Applicant Letter – Attachment F).

### **Staff Position**

Although Staff and the Planning Board have taken steps to discourage hoarding of development capacity in the LSC by limiting APF and Plan Validity Periods, Staff supports the Applicant's request for longer than the minimum APF and plan validity periods consistent with the phased development for substantially larger projects such as this Application. To allow a validity period longer than the minimum specified in Section 50-20(C)(3)(A) the Planning Board must find that an APF validity period longer than the minimum would promote the public interest. Both the Applicant and the public would benefit from the Applicant having more than the minimum amount of time to deliver expansions to the hospital and associated medical services on the Property without having to come in for piecemeal amendments to the overall campus. Larger projects, such as the JHU Belward Campus and JHU Montgomery County Medical Center have similar amounts of approved square footage and have been granted similar plan and APF validity periods.



These larger projects are typically more complex and have more moving parts than smaller plans requesting less square footage, and benefit by having additional flexibility in obtaining approvals from jurisdictional agencies and providing public improvements that are required as a direct result of development. The Master Plan requirements and the improvements required as a result of the limited amount of proposed development are substantial, although the final details will not be worked out until subsequent site plan reviews.

Based on the analysis above, Staff recommends the Board approve the APF and plan validity period as requested.

## **SECTION 2: PRELIMINARY PLAN**

### **MASTER PLAN CONFORMANCE**

The project is located within the LSC of the GSSC Master Plan area. The LSC includes five districts. The subject property is located within the Central District. The specific language of the Master Plan is included in Attachment G; in short, the applicable Master Plan recommendations include a CCT station on Broschart Road near Blackwell Road, and those streets should be enlivened with activating uses. Future development, in its design and use, should be carefully planned to take advantage of transit and contribute to creating a vibrant LSC hub. The Plan envisions redeveloping portions of the block surrounded by Broschart Road, Medical Center Drive, Great Seneca Highway, and Blackwell Road. Currently, this area is developed with low-density, low-scale uses. With a transit station along Broschart Road, portions of this block could redevelop to higher densities with a mix of housing, retail, and employment uses.

#### **Property Recommendations and Concept Plan**

The Land Use & Zoning Recommendations for the Life Sciences Center (LSC) Central area of the Master Plan require submittal of “a Concept Plan prior to approval of any future individual development projects for Shady Grove Adventist Hospital to address the Plan’s guidelines, including the location of the CCT, the highest densities and building height at transit, the mix of uses, creation of a local street network, and provision of open spaces.”<sup>1</sup> (See Concept Plan – Attachment H.) Each of these issues is addressed by topic below.

#### **CCT Location**

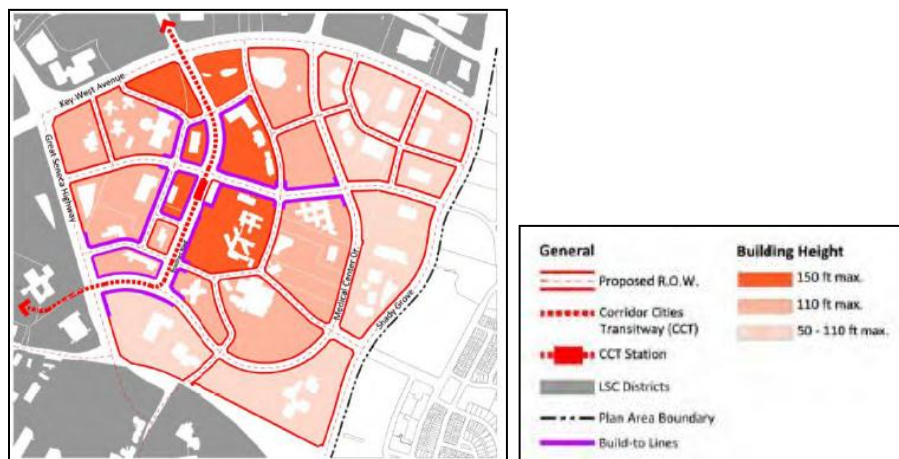
The Plan recommends that the CCT route travel along the subject site on the east side of Broschart Road. A station is recommended on the northwest corner of the Property.

The Applicant’s Preliminary Plan and Concept Plan reflect the general alignment recommended in the master plan. Final alignment of the transitway will be determined during site plan review when the detailed site layout is designed. The MTA believes the CCT can be accommodated within the eventual 150-foot right-of-way of Broschart Road as shown on the Preliminary Plan. During Site Plan review, the final alignment should maximize comfort and usability for pedestrians and transit users, and optimize access to the open spaces and circulation system.

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<sup>1</sup>Great Seneca Science Corridor Master Plan, June 2010, page 36.

## Density & Height Near Transit



Map 13 LSC Central: Urban Form<sup>2</sup>

The Master Plan recommends the LSC zone with a density limit of 1.5 FAR for the subject property. Maximum building heights are recommended at 110 feet on the eastern and southern portion of the Property, and 150 feet on the northwestern portion of the property, which is closer to transit.



*Proposed Building Envelope Concept*

The Applicant's Concept Plan follows the Master Plan guidelines regarding density and height. As shown, within the building envelopes of allowed height, the 1.5 FAR is dispersed between lower buildings on the southern and eastern portions of the Property, while the taller buildings are proposed to be located on

<sup>2</sup> Ibid, page 36.

the northern portion of the site at the intersection of Broschart and Blackwell Roads. The Master Plan recommends that Adventist Health Care and JHU design the east side of Broschart Road as an urban street, lined with buildings and activating street level uses. The proposed lot and street layout of the Preliminary Plan will accommodate the Master Plan's vision for this density and street edge. Activating uses and a confronting CCT Plaza will be expected in future phases as the buildings on the northern end of the Property, closest to the intersection of Broschart and Blackwell Roads, come in for site plan review.

#### Circulation System & Links to Adjacent Neighborhoods

The Master Plan recommends numerous circulation and mobility improvements for LSC Central. These include:

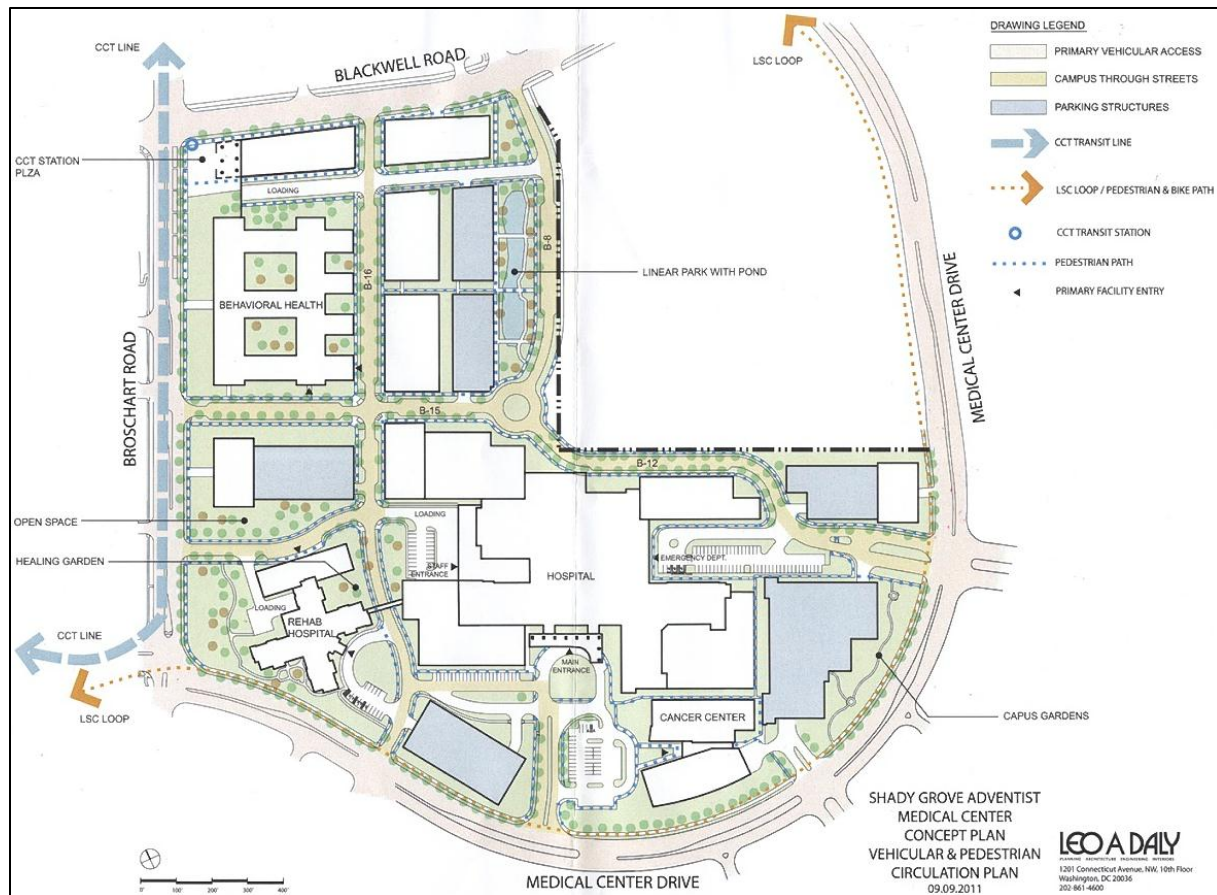
- Construction of the CCT and station,
- Extension of Blackwell Road,
- Creation of a network of streets within the site,
- Creation of a pedestrian network,
- Implementation of the LSC Loop,
- Design Broschart Road as an urban street,
- Connection of recreational trails and bikeways,
- Road improvements.<sup>3</sup>

The Applicant's Preliminary Plan and Concept Plan addresses each of these recommendations and illustrates them in their circulation plan, which shows the CCT alignment and station, extension of Blackwell Road, pedestrian sidewalks and paths, LSC Loop Connection, and Broschart Road is represented as an urban street with the proposed CCT alignment and significant building frontage.

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<sup>3</sup> Ibid, page 37.





*Proposed Circulation Concept*

The internal streets, which form an urban-scale network of blocks, will have sidewalks that connect to adjacent properties and the open spaces proposed within the site. These sidewalks will connect to master-planned paths, including the LSC Loop, that run with the major roads along the periphery of the Subject Property.

Dedication of the CCT right-of-way on Broschart Road and Blackwell Road will allow for the recommended vehicular and transit improvements along the periphery roads. All other internal roads will be built to public road standards, located in their own separate and distinct parcels, achieving the mobility and design objectives of the Master Plan, but maintained privately with public access easements over the right-of-way width that would otherwise be required.

### Open Space System

The Master Plan requires that properties in the LSC Central provide the following (applicable) public open spaces:

- LSC Loop;
- Urban square at the CCT station;
- Urban promenade to connect between buildings and public spaces.

This diagram helps to illustrate how the conceptual places and the proposed open spaces tie together through the proposed development. There are numerous situations where corridors are created between buildings to access parking or as mid-block connections. Staff will ensure that the space between buildings ties into the larger open space areas of the Subject Property during Site Plan review. Each of the applicable master-planned open spaces are provided in the Applicant's Preliminary Plan and Concept Plan as required.



*Proposed Open Space Concept*

Staff finds the proposed Preliminary Plan and Concept Plan to be in substantial conformance with the GSSC Master Plan.

## **PUBLIC FACILITIES**

### Required Vehicular Site Access Points

The site is located in the east side of Broschart Road between Medical Center Drive and Blackwell Road with proposed vehicular access points from all three roads.

### Master-Planned Transportation Demand Management (TMD)

The site is located within the boundary of the Greater Shady Grove TMD. The Applicant must participate in the TMD and assist the County in achieving and maintaining its non-auto driver mode share goals as conditioned.

#### Available Transit Service

Currently, the following three Ride-On routes that directly serve the hospital are:

1. Ride-On route 43 operates between the Shady Grove Metro Station and the Traville Transit Center including along Medical Center Drive with buses running every 30 minutes on weekdays.
2. Ride-On route 56 operates between the Lakeforest Transit Center and the Rockville Metro Station with buses running every 30 minutes on weekdays.
3. Ride-On route 66 operates between the Shady Grove Metro Station and the Traville Transit Center including along Broschart Road with buses running every 30 minutes on weekdays only.

#### Master-Planned Roadway and Bikeways

In accordance with the 2010 approved and adopted *Great Seneca Science Corridor Master Plan* and the 2005 approved and adopted *Countywide Bikeways Functional Master Plan*, the classified roadways and bikeways are as follows:

1. Medical Center Drive is designated as a four-lane arterial, A-261d, with a recommended 100-foot right-of-way and a dual bikeway, LB-1, with a shared use path on the west side and a signed shared roadway.
2. Broschart Road is designated as a four-lane arterial, A-261b, with a recommended 150-foot right-of-way where 50 feet is for the CCT right-of-way and a shared-use path, SP-66, on the east side. MTA's preferred alignment of the CCT is along the Broschart Road with a proposed station south of Blackwell Road.
3. Blackwell Road is designated as a four-lane business district street, B-1, with a recommended 100-foot right-of-way and a dual bikeway, LB-4, with a shared use path on the north/opposite side and a signed shared roadway. The Applicant of Site Plan No. 820100090, JHU-NCI, was required to dedicate 37 to 100 more feet of right-of-way for a total of 100 feet from the opposite right-of-way line.
4. Master-planned Road "G" is designated as a business district street, B-8, with a recommended 70-foot right-of-way and no bikeway.
5. Master-planned Road "K" is designated as a business district street, B-12, with a recommended 60-foot right-of-way and no bikeway.
6. Master-planned Road "N" is designated as a business district street, B-15, with a recommended 70-foot right-of-way and no bikeway.
7. Traville Gateway Drive is designated as a business district street, B-16, with a recommended 70-foot right-of-way and no bikeway.

The last four business district streets are proposed to be private roads in their own separate parcel(s) with public access easements as conditioned.

In addition to the internal master-planned roads, three other proposed internal private roads include a north-south private road between B-5 and Blackwell Road, an east-west private road between the CCT station and B-8, and an east-west private service road between Broschart Road and B-16. The service road will not be subject to the public access easement.

#### Pedestrian and Bicycle Facilities

At site plan review, the Applicant will be providing a pedestrian circulation plan to connect the proposed buildings, improved internal vehicular north-south connections between proposed buildings (including the existing Rehabilitation Hospital and proposed Behavioral Health buildings), pedestrian and vehicular directional signage, and the necessary sidewalks, handicapped ramps, and pedestrian crosswalks.

As proposed bicycle facilities will be adequate. Final locations and types of storage and parking facilities will be determined at site plan review.

#### Local Area Transportation Review (LATR)

The table below shows the number of peak-hour trips generated during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.) for the subject hospital expansion. The trip generation rates for the subject hospital expansion were obtained from the Institute of Transportation Engineers (ITE) Trip Generation Report for similar hospitals.

Land Use	Square Feet	Peak-Hour Trips	
		Morning	Evening
Proposed Full Hospital Build Out	1,133,856	1,541	1,572
Existing Hospital	523,480	588	595
Aquilino Cancer Center	51,000	44	40
Un-Built, but Approved Hospital	52,430	46	41
Proposed Un-Approved Hospital Expansion	506,946	863	896

A traffic study was required to satisfy the LATR test because the proposed hospital expansion generates 30 or more total peak-hour trips within the weekday morning and evening peak periods. From the submitted traffic study, the table below shows the calculated Critical Lane Volume (CLV) values at the analyzed intersections for the following traffic conditions:

1. Existing: Existing traffic condition as they exist now.
2. Background: The existing condition plus the trips generated from approved but un-built nearby developments.
3. Total: The background condition plus the site-generated trips based on proposed hospital expansion.
4. Total Improved: The total condition with proposed intersection improvements to increase the intersection capacity.



Analyzed Intersection	CLV Standard Policy Area	Weekday Peak Hour	Traffic Condition			
			Existing	Background	Total	Total-Improved
Key West Avenue & Shady Grove Road	1,500 Rockville City	Morning	1,118	1,341	1,421	1,421
		Evening	1,166	1,548*	1,642*	1,514**
Key West Avenue & Omega Drive- Medical Center Drive	1,450 R&D Village	Morning	991	1,360	1,361	1,414
		Evening	1,196	1,664*	1,675*	1,540**
Key West Avenue & Broschart Drive- Diamondback Drive	1,450 R&D Village	Morning	1,221	1,146	1,217	-----
		Evening	1,093	1,280	1,299	-----
Key West Avenue & Great Seneca Highway	1,450 R&D Village	Morning	1,204	1,392	1,443	-----
		Evening	1,132	1,337	1,414	-----
Darnestown Road & Shady Grove Road	1,500 Rockville City	Morning	1,118	1,264	1,278	-----
		Evening	1,121	1,281	1,296	-----
Darnestown Road & Traville Gateway Drive	1,450 R&D Village	Morning	1,067	1,144	1,148	-----
		Evening	587	715	726	-----
Darnestown Road & Great Seneca Highway	1,450 R&D Village	Morning	1,020	1,098	1,105	-----
		Evening	994	1,099	1,130	-----
Darnestown Road & Travilah Road	1,450 R&D Village	Morning	1,035	1,154	1,172	-----
		Evening	932	1,114	1,128	-----
Great Seneca Highway & Sam Eig Highway	1,450 R&D Village	Morning	1,182	1,357	1,439	1,439
		Evening	1,198	1,442	1,499*	1,265
Shady Grove Road & Medical Center Way- Fallsgrrove Drive	1,500 Rockville City	Morning	629	735	877	-----
		Evening	731	817	905	-----
Key West Avenue & West Gude Drive- Fallsgrrove Drive	1,500 Rockville City	Morning	967	1,098	1,120	-----
		Evening	770	948	998	-----
Shady Grove Road & Research Boulevard	1,500 Rockville City	Morning	933	926	1,099	-----
		Evening	1,267	1,371	1,1,370	-----
Darnestown Road & Glenn Mill Road	1,500 Rockville City	Morning	1,047	1,089	1,100	-----
		Evening	798	940	958	-----
Key West Avenue & Darnestown Road	1,450 R&D Village	Morning	1,130	1,174	1,180	-----
		Evening	1,012	1,262	1,278	-----
Great Seneca Highway & Muddy Branch Road	1,425 Gaith. City	Morning	1,407	1,608*	1,634*	1,491**
		Evening	1,539*	1,683*	1,711*	1,632**
Sam Eig Highway & Diamondback Drive	1,425 Gaith. City	Morning	1,309	1,347	1,361	-----
		Evening	929	1,076	1,116	-----

\* The calculated CLV value exceeds the applicable CLV congestion standard.

\*\* The total calculated CLV value still exceeds the applicable congestion standard.

As indicated with an asterisk in the table above, the calculated CLV values at four of sixteen (16) intersections exceed the applicable CLV congestion standard. Therefore, the Applicant must satisfy the LATR test by providing improvements at four intersections.

At one of four intersections, the intersection improvements required by the recommended conditions of approval result in reducing the total calculated CLV values below the applicable congestion standard:

1. Great Seneca Highway (MD 119) and Sam Eig Highway.

As indicated with a double asterisk in the table above, the total calculated CLV at the three other intersections still exceed the applicable congestion standard. In these cases, the total improved CLV values must be reduced by 150% or more of the site-generated trips (i.e., equaling 150% of the difference between the total and background CLV values). Such is the case for the two intersections identified below with the proposed intersection improvements required by the recommended conditions of approval:

1. Key West Avenue and Omega Drive-Medical Center Drive; and
2. Great Seneca Highway (MD 119) and Muddy Branch Road.

At the intersection of Key West Avenue and Shady Grove Road, the evening total improved CLV value is not 150% or more of the site-generated trips with the intersection improvement required by the recommended conditions of approval.

Two additional intersection improvements could result in reducing the total improved CLV value from 1,421 to 1,315 during the AM peak hour and from 1,514 to 1,325 during the PM peak hour. However, those two additional improvements are difficult to implement due to the relocation of utilities and acquisition of additional right-of-way. To address this 150% mitigation policy issue, possible measures include funding master-planned transportation network improvements. If a feasible solution is possible, the Applicant would be responsible on a pro-rata cost basis to fund its implementation. Otherwise, as stated in the *"LATR and TPAR Guidelines"*:

*"Payment Instead of Construction"*

Where an applicant has made a good faith effort to implement an acceptable improvement and where the Board finds that a desirable improvement cannot feasibly be implemented by the applicant but that it can be implemented by a public agency within six years after the subdivision is approved, the County Council has authorized the Planning Board to accept payment to the County of a fee commensurate with the cost of the required improvement."

Thus, staff is recommending both the intersection improvements and payment for improvements at this intersection. With this and the other conditions required for this Application, the LATR test will be satisfied.

Transportation Policy Area Review (TPAR)

Under the *2012-2016 Subdivision Staging Policy* for a complete application for subdivision approval submitted before January 1, 2013, the Applicant had the choice to satisfy its "policy area review" test by choosing to comply with either the Transportation Policy Area Review (TPAR) test or the Policy Area Mobility Review (PAMR) test. The TPAR test was selected to satisfy the "policy area review" test.

The Transportation Policy Area Review (TPAR) test will not require payment of the transportation impact tax because the proposed land use is a hospital with a transportation impact tax of zero percent according to the Montgomery County Department of Permitting Services (DPS) impact tax rates.

Thus, the "policy area review" TPAR test is satisfied.

Other Public Facilities and Services

The proposed development will be served by public water and sewer systems. The Montgomery County Fire and Rescue Service reviewed the application and has determined that the 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 are available and adequate.

Based on the analysis and conditions above, Staff finds that Adequate Public Facilities exist to serve the proposed development.

## **ENVIRONMENT**

### **Environmental Guidelines**

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) for the site was approved by Environmental Planning staff on February 29, 2012. The site contains no forests, streams or their buffers, wetlands or their buffers, or 100-year floodplains. There are no records of Rare, Threatened or Endangered Species on the project site.

### **Forest Conservation Plan**

Planning Staff initially granted an exemption from preparing a Forest Conservation Plan on March 3, 2011. One of the conditions for granting the exemption was that the property would not be subdivided. It was subsequently determined by Staff that a subdivision of the property was occurring with the Preliminary Plan, and the exemption was rescinded (see Attachment I – letter from Planning Director Rollin Stanley dated December 9, 2011). The applicant disagrees with staff's interpretation that this Preliminary Plan involves a subdivision of property. The applicant maintains that the changes in lot lines that are occurring are a result of dedication to comply with the Great Seneca Science Corridor Master Plan and do not constitute a subdivision. The applicant's argument is fully detailed in their letter dated November 28, 2011 (Attachment J). The applicant has filed a Natural Resources Inventory/Forest Stand Delineation, a Preliminary Forest Conservation Plan (Attachment K) and a variance request to remove one specimen tree in order to advance the Preliminary Plan in the review process, but note that these documents are being submitted under protest. The applicant requests that the Planning Board find that the original exemption should stand, and that therefore a Forest Conservation Plan is not needed for this development.

For purposes of Forest Conservation, the net tract area is 38.94 acres. The submitted Preliminary Forest Conservation Plan has an afforestation requirement of 5.84 acres. This requirement is to be satisfied with off-site reforestation, payment of a fee-in-lieu, or some combination of the two methods of mitigation. Payment of a fee-in-lieu is permitted under Article 22A-12(g)(2)(C), which states that "the Planning Board or Planning Director may allow an applicant to pay into the County Forest Conservation Fund instead of providing afforestation, reforestation, or landscaping in the following situations: (C) Afforestation on sites with no priority planning areas. If a site has afforestation planting requirements and the Planning Board or Planning Director, as appropriate, finds that the no on-site planting area is available, the applicant may pay the fee instead of doing off-site reforestation." Given (1) that no priority planting areas exist on this site, (2) that the majority of the site is already developed with buildings and paving, (3) that the proposed density of development in this Preliminary Plan will approximately double, and (4) the intent of the Master Plan for this site is to accommodate future growth of the Shady Grove Adventist Hospital to serve the health needs of a growing community, staff recommends that the Planning Board make the finding that no appropriate areas exist for on-site planting and that a fee-in-lieu payment is an appropriate option for mitigation in this case.

### **Forest Conservation Variance**

Section 22A-12(b) (3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater, DBH; are part of a historic site or designated with a historic structure; are designated as a national, State, or County champion tree; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. The applicant submitted a variance request on January 17, 2012 for the impacts/removal to trees with the proposed layout. The applicant is requesting a variance for removal of one specimen tree (T-17) near the eastern property boundary along Medical Center Drive that is 30 inches and greater DBH, which is considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. This tree, a 31-inch diameter willow oak (*Quercus phellos*), stands at the location of the proposed Diagnostic and Outpatient Services building.

### Unwarranted Hardship Basis

The proposed development is in accordance with both the intent and recommendations of the Master Plan and the LSC zone approved for this site. The Master Plan notes that population growth and demographic changes will create demand for additional capacity at Shady Grove Adventist Hospital, and states that "This Plan supports an expanded, first-class medical center and recommends zoning changes to accommodate future growth" (GSSC Master Plan page 35). Not allowing the removal of Variance Tree No. T-17 would require moving the proposed Diagnostic and Outpatient Services building or substantially modifying its design. The intensity of the proposed development of the hospital campus, coupled with other constraints from the provision of the Master Plan-recommended road grid and stormwater management requirements further inhibit the ability to preserve this tree. Staff concurs that the Applicant has a sufficient unwarranted hardship to consider a variance request to remove the tree.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determinations in the review of the variance request and the proposed Forest Conservation Plan:

### *Variance Findings*

Staff has made the following determination based on the required findings that granting of the requested variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Staff finds that removal of variance tree T-17 is consistent with the requirements and constraints of the Master Plan, the Zone, and what is intended for the property and road networks. There is no feasible alternative to the proposed development that would permit the tree to be saved, so granting the variance would not confer on the applicant a special privilege that would be denied to other applicants.



*2. Is not based on conditions or circumstances which are the result of the actions by the applicant.*

Staff finds that the requested variance is based on the constraints of the site and the proposed development density and road network as recommended in the Master Plan, rather than on conditions or circumstances which are the result of actions by the Applicant.

*3. Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

Staff finds that there are no conditions relating to land or building use, either permitted or nonconforming, on a neighboring property that have played a role in the need for this variance.

*4. Will not violate State water quality standards or cause measurable degradation in water quality.*

Staff finds that granting the variance will not violate State water quality standards or cause measurable degradation in water quality. Removal of variance tree T-17 will be more than compensated for by the installation of greatly enhanced stormwater management treatments and establishment of tree cover exceeding what is currently present on the site as part of the development.

#### *Mitigation for Trees Subject to the Variance Provisions*

Mitigation should be at a rate that approximates the form and function of the trees removed. Therefore, staff is recommending that replacement occur at a ratio of approximately 1" DBH for every 4" DBH removed, using trees that are a minimum of 3" DBH. This means that for the 31 caliper inches of trees removed, the required mitigation will be 3 native canopy trees with a minimum size of 3" DBH. While these trees will not be as large as the tree lost, they will provide some immediate canopy and will help augment the canopy coverage. Staff therefore recommends identifying 3 native canopy trees with a minimum size of 3" DBH on the landscape plan (at the Site Plan phase) to mitigate the loss of tree T-17.

#### *County Arborist's Recommendation on the Variance*

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist on January 27, 2012. On February 2, 2012, the County Arborist issued her recommendations on the variance request and recommended the variance be approved with mitigation (Attachment L).

#### *Variance Recommendation*

Staff recommends that the variance be granted.

#### **SPA Preliminary Water Quality Plan Review**

As part of the requirements of the Special Protection Area Law, a SPA Preliminary Water Quality Plan should be reviewed in conjunction with a Preliminary Plan. Under the provision of the law, the Montgomery County Department of Permitting Services (DPS) and the Planning Board have different responsibilities in the review of a water quality plan. DPS has reviewed and conditionally approved the elements of the Preliminary Water Quality Plan under its purview. The Planning Board's responsibility is to determine if environmental buffer protection, SPA forest conservation and planting requirements, and site imperviousness limits have been satisfied.

Staff has reviewed the elements of the SPA water quality plan under its purview and recommends Board approval with conditions.

#### Environmental Buffers

There are no environmental buffers on the site; therefore staff finds that the requirement to protect environmental buffers is not applicable to this Preliminary Plan.

#### Forest Conservation

Upon approval of this Preliminary Plan, this development will have either an approved Preliminary Forest Conservation Plan or an exemption from Forest Conservation Plan requirements. Either condition will place this Preliminary Plan in compliance with Chapter 22A; therefore staff finds the Site Plan in conformance with the requirements of Chapter 22A, Forest Conservation. Staff notes that the priority for off-site forest conservation planting is to re-plant within the SPA watershed. In this case, no forest conservation banks exist within the Piney Branch watershed; therefore off-site planting may be directed to other watersheds within the County.

#### Site Imperviousness

The Piney Branch SPA does not include a specific impervious limit on land development projects. In SPAs without a cap on imperviousness, developments are required to demonstrate that imperviousness has been minimized. Montgomery County Executive Regulations 29-95, Regulations for Water Quality Review-Special Protection Areas, require that the Water Quality Plan must include a plan that describes the proposed development which minimizes impervious areas and, if applicable, meets any required imperviousness limits. The existing 39.16 acre site contains 1,017,701 square feet of impervious surfaces, for a total imperviousness of 59.7%. As proposed, the new development will include 1,090,833 square feet of impervious surfaces. Even though this represents an overall increase in imperviousness of 4.2% (to 63.9%), the increase results from a plan that more than doubles the development density on the site through infill development and inclusion of as much pervious surface as possible. This increase is small in proportion to the new development proposed. Operational requirements of the hospital campus, including the need to focus on accessibility for mobility-challenged individuals, limit possibilities for reducing impervious surfaces further. Therefore, staff finds that the Site Plan minimizes new impervious surfaces by proposing infill development that substantially builds on existing surface parking areas.

#### County DPS Special Protection Area Review Elements

DPS has reviewed and conditionally approved the elements of the SPA Final Water Quality Plan under its purview with a synopsis provided below.

#### *Site Performance Goals*

As part of the water quality plan, the following performance goals were established for the site:

1. Minimize storm flow runoff increases
2. Minimize sediment loading and land disturbances with an emphasis on immediate stabilization.

#### *Stormwater Management Concept*

Stormwater management will be provided through a combination of on- and off-site measures, including porous pavement, micro biofilters and a green roof. Stormwater that leaves the site will be captured and treated in the existing Western and Gudelsky Regional SWM ponds downstream of the site. DPS has determined that the project has provided Environmental Site Design to the Maximum Extent Practicable.

### *Sediment and Erosion Control*

DPS recommends that extra care be taken to protect existing stormwater management structures from sedimentation during the construction phase. Since the site is already developed, sediment control requirements will be established by DPS during the detailed sediment plan review.

### *Monitoring of Best Management Practices (BMPs)*

Construction and post-construction monitoring must be done in accordance with the BMP monitoring protocols established by the Department of Permitting Services (DPS) and the Montgomery County Department of Environmental Protection (DEP). Details of the monitoring requirements are specified in the attached letter from DPS dated March 21, 2011. Pre-construction monitoring is not required because the site is already developed. Monitoring of selected Best Management Practices (BMPs) may continue for up to five years post-construction.

### **Conclusion**

Staff finds the Preliminary Plan to be in compliance with Chapter 22A, Forest Conservation, and with Montgomery County Planning's *Environmental* Guidelines. Staff recommends approval of the Preliminary Plan, including the Preliminary Forest Conservation Plan, variance request, and Preliminary Water Quality Plan as submitted.

### **COMPLIANCE WITH THE SUBDIVISION REGULATIONS**

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendations in the *Great Seneca Science Corridor Master Plan*, and for the type of development or use contemplated. The proposed lots meet all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conform to the recommendations of the Master Plan. Access and public facilities will be adequate to serve the proposed lots, and the application has been reviewed by other applicable County agencies, all of whom have recommended approval of the plan (Attachment M).

### **Lot Frontage on a Private Street**

Section 50-29(a)(2) of the Subdivision Regulations requires that all lots shall abut on a street or road which has been dedicated to public use or which has acquired the status of a public road. One lot will have frontage on a private street on all four sides. Therefore, if the Planning Board approves the Preliminary Plan, it must also find that the proposed private streets have acquired the status of public roads. As reflected in other similar cases approved by the Board, this finding must be based upon the proposed road being fully accessible to the public; accessible to fire and rescue vehicles, as needed; and designed to the minimum public road standards, except for right-of-way and pavement widths.

In the case of this subdivision, the proposed internal streets, which provide the only frontage to one of the seven lots, meet the minimum standards necessary to make the finding that they have the status of a public road. The private roads will be constructed to the minimum public road structural standards, will have at least 20-foot pavement widths with adequate turning radii at intersections where needed for emergency access, an appropriate paving cross-section elsewhere for private vehicles, and an appropriate circulation and turnaround pattern. The private roads will be placed in their own separate parcels at least as wide as the road pavement, and will have public access easements that ensure they remain fully accessible to the public.

## **Conclusion**

Staff recommends approval of the Preliminary Plan based on the conditions and analysis contained in this report.

## **ATTACHMENTS:**

Attachment A – Preliminary Plan  
Attachment B – Applicant Request - Private Roads with Public Access Easements  
Attachment C – Section 50-20(c)(3)(iii)  
Attachment D – Section 50-20(c)(3)(B)  
Attachment E – Section 50-34(g)  
Attachment F – Applicant Justification Letter  
Attachment G – Applicable Master Plan Recommendations  
Attachment H – Concept Plan  
Attachment I – Director Response Letter to SGAH Rescinding FCP Exemption  
Attachment J – Applicant Objection Letter to Filing FCP  
Attachment K – Forest Conservation Plan  
Attachment L – County Arborist Letter  
Attachment M – Agency Approval Letters

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