

Item #18



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

M E M O R A N D U M

DATE: September 12, 2003
TO: Montgomery County Planning Board
FROM: A. Malcolm Shaneman
Development Review Division
(301) 495-4587
SUBJECT: Informational Maps for Subdivision Items on the
Planning Board's Agenda for September 18, 2003.

Attached are copies of plan drawings for Item #10, #12, #14, #16 #17 and #18. These subdivision items are scheduled for Planning Board consideration on September 18, 2003. The items are further identified as follows:

Agenda Item #10 - Preliminary Plan 1-03102
Greencastle Towns

Agenda Item #12 - Preliminary Plan 1-03086
Potomac Country Corner

Agenda Item #14 - Preliminary Plan 1-03058
Bancroft North

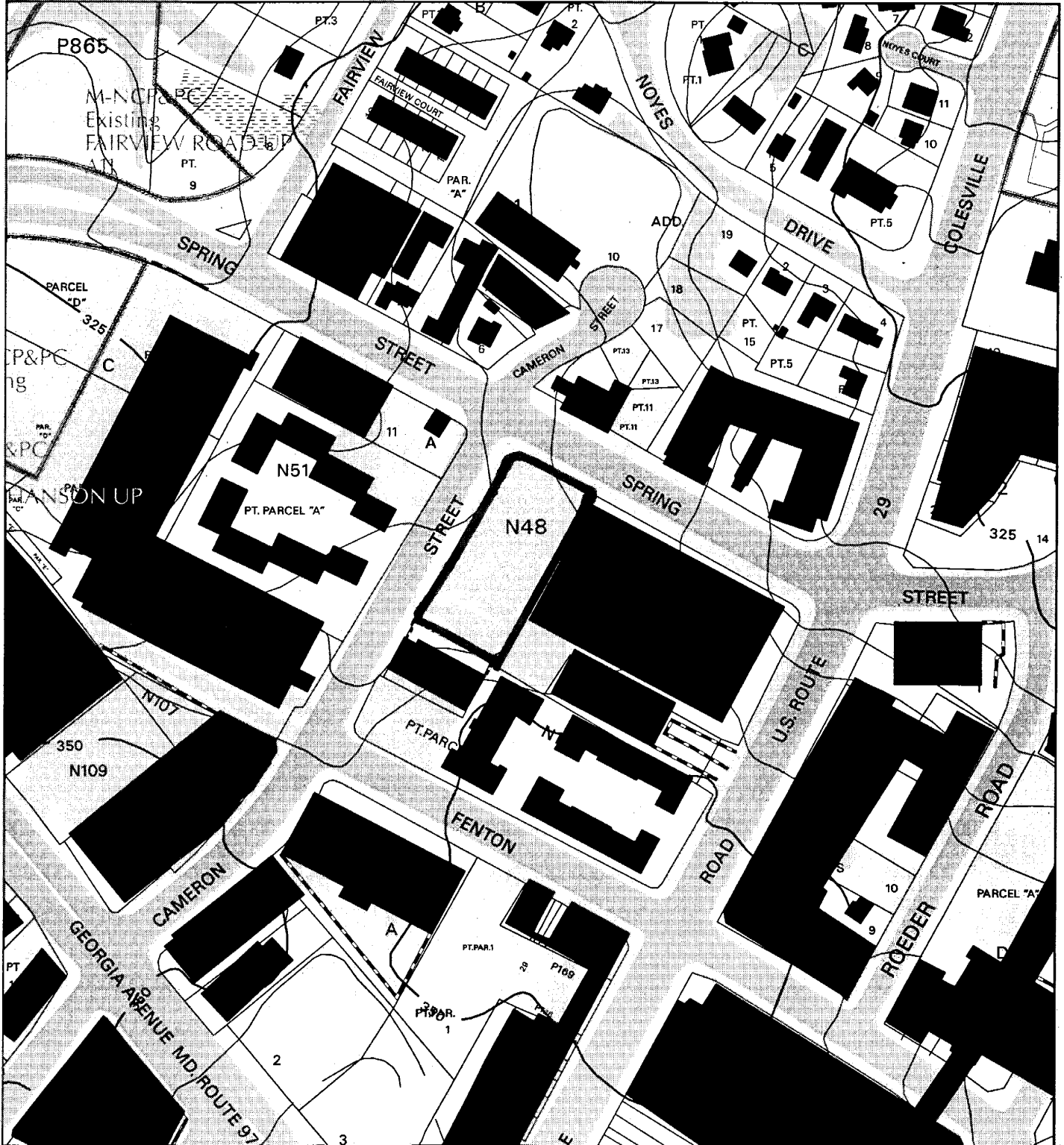
Agenda Item #16 - Preliminary Plan 1-03032
Jackson's Acres

Agenda Item #17 - Preliminary Plan 1-00076E
The Independence of Privacy World

Agenda Item #18 - Subdivision Regulation Waiver SRW-04002
United Therapeutics

Attachment

UNITED THERAPEUTICS (SRW-04002)



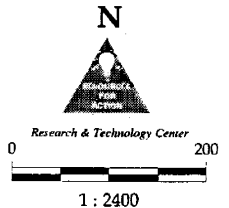
Map compiled on September 12, 2003 at 12:25 PM | Site located on base sheet no - 210NW01

NOTICE

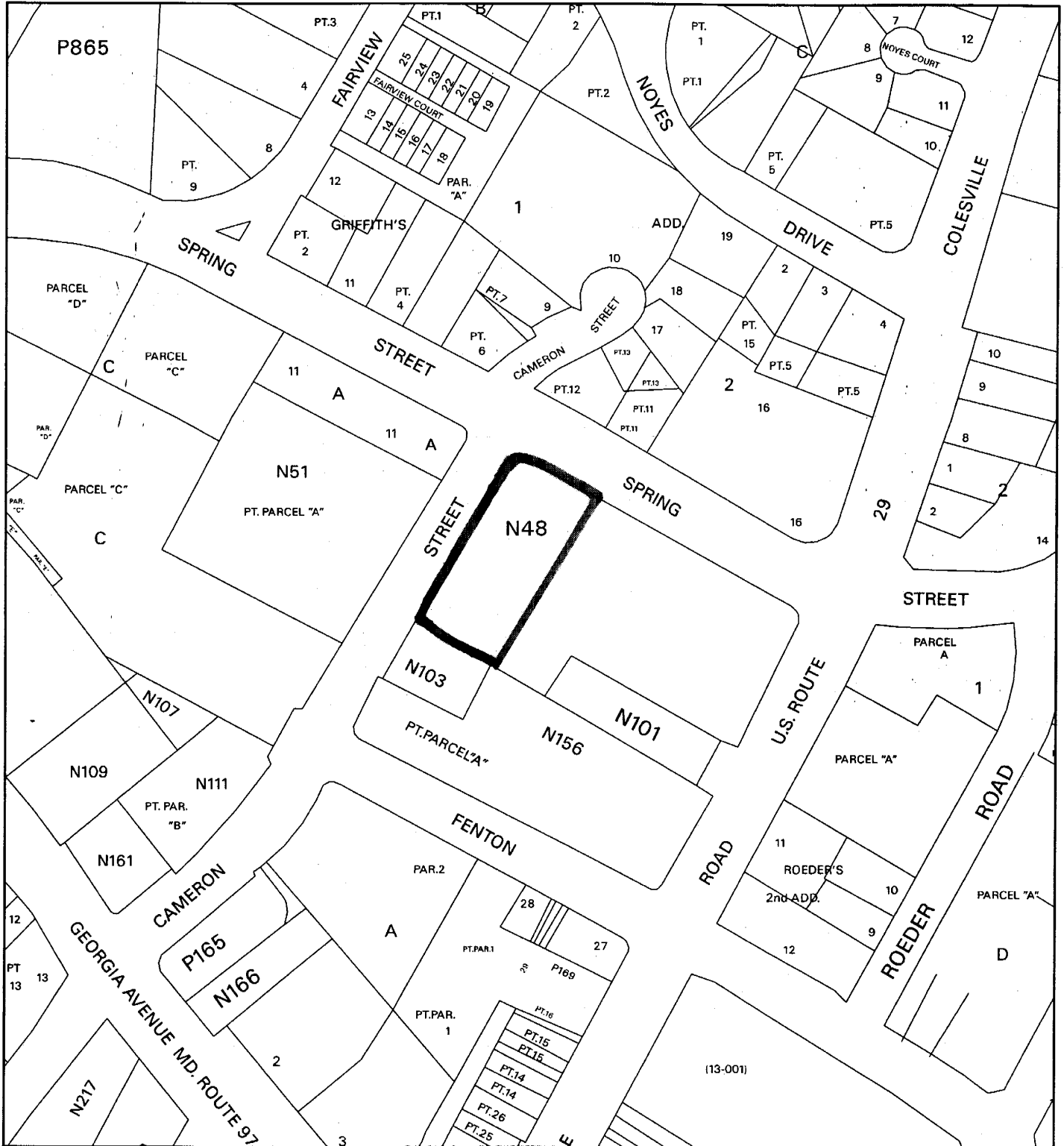
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UNITED THERAPEUTICS (SRW-04002)



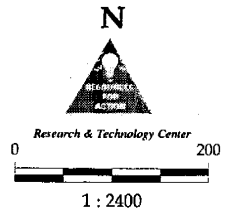
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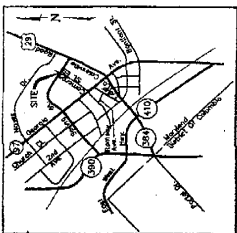
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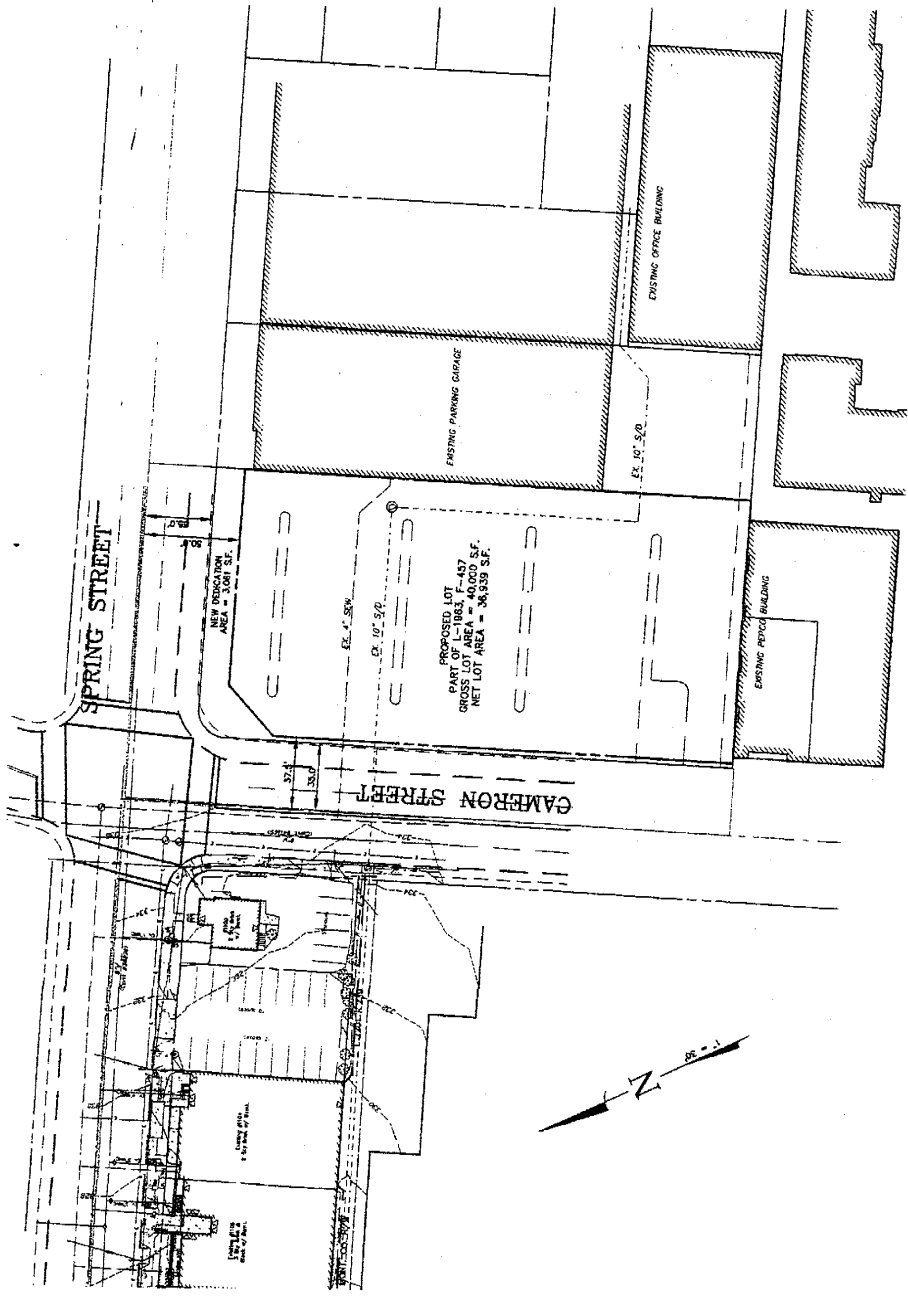
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VICINITY MAP
SCALE 1" = 2,000'



TAX MAP JR.-345
MSC 210 JW 01

SITE IDENTIFICATION PLAN

UNITED THERAPEUTICS
COUNTY PARKING LOT #21 - PART OF LIBER 1963 FOLIO 457
13TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

MHG	Project No.	1983-03	1" = 30'
	Scale	8-22-03	1" = 30'
2220 Midway Road, Suite 210 Montgomery Village, Maryland 20886-7178		Prepared By	11/11/83
		Drawn By	11/11/83
		Checked By	11/11/83
		Approved By	11/11/83
		Project No.	82-218-12
		Sheet	1 of 1

DEVELOPER/APPLICANT
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FAX: 781-235-7241
ATTN: MR. JAMES L. LEVIN

MHG
McGee, Hendricks & Glasscock, P.A.
Engineers & Planners
Landmarks Architects & Surveyors
2220 Midway Road, Suite 210
Montgomery Village, Maryland
20886-7178



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item # 18

09-18-03

MEMORANDUM

DATE: September 12, 2003

TO: Montgomery County Planning Board

VIA: Joseph R. Davis, Chief, Development Review Division *JRD*

FROM: A. Malcolm Shaneman, Supervisor, Development Review Division (301-495-4587) *AMS*

REVIEW TYPE: Waiver From Selected Requirements of Chapter 50

APPLYING FOR: One Lot

PROJECT NAME: United Therapeutics

CASE NO. SRW - 04002

REVIEW BASIS: Chapter 50 Montgomery County Subdivision Regulations Approved and Adopted Silver Spring Sector Plan

ZONE: CBD-1

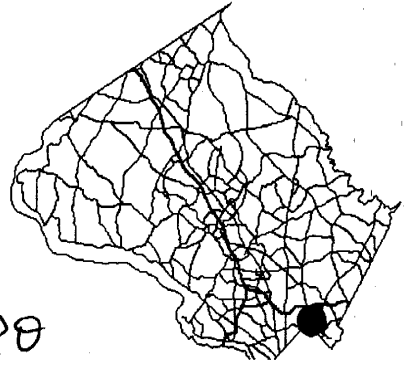
LOCATION: Southeast Corner of Spring Street and Cameron Street

MASTER PLAN: Silver Spring Sector Plan

APPLICANT: Montgomery County and United Therapeutics Company

SUBMITTED: August 29, 2003

HEARING DATE: September 18, 2003



STAFF RECOMMENDATION: Grant Waiver of Section 50-20, Section 50-23, Section 50-34 and Section 50-37(b) of the Subdivision Regulations, Subject to Conditions:

ISSUES TO DATE

Pursuant to Section 50-38 of the Subdivision Regulations, the applicant, Montgomery County, on behalf of United Therapeutic Corporation (UTC), have requested a waiver of a portion of the Subdivision Regulation which relate to the submission and approval of a preliminary plan. The waiver is needed in order the construction approvals necessary for the expansion of the Silver Spring Ovarian Cancer Laboratory Project within a period of time suitable for UTC'S approvals from the Federal Drug Administration. The site of the proposed facility is currently owned by Montgomery County and is to be leased by UTC until their eventual purchase of the site planned for December of 2003. The applicant is requesting the Planning Board grant (1) a waiver exempting the Project from the requirements of filing and obtaining approval of a preliminary plan of subdivision before recording a plat for the project and (2) a waiver from the requirement that a building permit not be approved unless a proposed structure is located on a record lot.

Specifically the Sections of the Subdivision Regulations that the applicant is seeking relief from are as follows:

Section 50-23 and Section 50-34, which provides general procedures that must be followed in the submission and approval of subdivision plans as a prerequisite for recoding a plat;

Section 50-37(b), which states that a record plat comply with an approved preliminary plan; and

Section 50-20, which provides that a building permit must not be approved for construction of a structure unless the structure will be located "on a lot or parcel of land which is shown on a plat".

Under the standards of Section 50-38 of the Subdivision Regulations, the Planning Board may grant waivers that meet the following criteria:

“(a) Authority of the Board

- (1) “The Board may grant a waiver from the requirements of this Chapter upon a determination that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved, and that the waiver is: 1) the minimum necessary to provide relief from the requirement; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest.”

The applicant states that in order to proceed with the construction of this project in a timely manner the time necessary for the procedural requirements of a preliminary plan approval and time for recording a plat prior to the issuance of a building permit will jeopardize County retention of the project. Should the waivers be granted, the applicant can commence with construction of the Project while a record plat is being processed. This would accommodate the expedited schedule for construction and ensure that the UTC remains in Montgomery County. The applicant believes that this waiver is the minimum necessary to overcome the unusual circumstances of the Property and the practical difficulties involved in the Company's efforts to develop the Project on an expedited basis. (See applicants justification letter attached to this memorandum)

PROJECT DESCRIPTION: Proposal

The Silver Spring Ovarian Cancer Laboratory is a "state of the art" biotech laboratory facility proposed to be 40,000 square feet in size. The facility is comprised of testing laboratories, medium and buffer preparation, raw material receiving, warehousing, isolation and release rooms. The facility also includes associated laboratories, administrative and offices functions and storage.

PROJECT DESCRIPTION: Site

The subject site is located at the southeast corner of Spring Street and Cameron Street. A portion of the site is improved with Parking Garage # 21 and the balance of the property is currently used for surface parking. The portion of the property comprising the surface facility contains 0.92 acres or approximately 40,000 square feet.

The site is intended to be leased by UTC with an option for future purchase. The future purchase is subject to formal County approval for disposition of the County owned property.

STAFF RECOMMENDATION

Staff supports the applicant's request for waiver pursuant to Section 50-38 of the Subdivision Regulations. Based on the justification provided by the applicant, staff believes that practical difficulties and unusual circumstances exist that may effect the timely construction of the proposed UTC facility. Staff believes that the circumstances centering on UTC's existing facility and the inability to meet the time parameters established by the Federal Drug Administration to have the facility operational warrant support for the waiver request. Staff further bases their support for the waiver on it being the minimum necessary to provide relief. The proposed project is located in the midst of a developed Central Business District. The critical infrastructure such as roads, utilities

and other services needed to support such construction exist and are in place. Much of the review process associated with the submission and approval of a preliminary plan considers the adequacy of the infrastructure and the ability to accommodate proposed development.

The proposed Project is not inconsistent with the Approved and Adopted Silver Spring CBD Sector Plan. While the Sector Plan encourages residential development on publicly owned parking lots the proposed project encourages employment within walking distances of the Transit Center, retains an important commercial enterprise and is generally consistent with the relevant themes and recommendations of the Sector Plan. Attached is a memorandum from the Community Based Planning Division supporting the application and noting that the proposed development is not in conflict with the recommendations of the Silver Spring CBD Sector Plan.

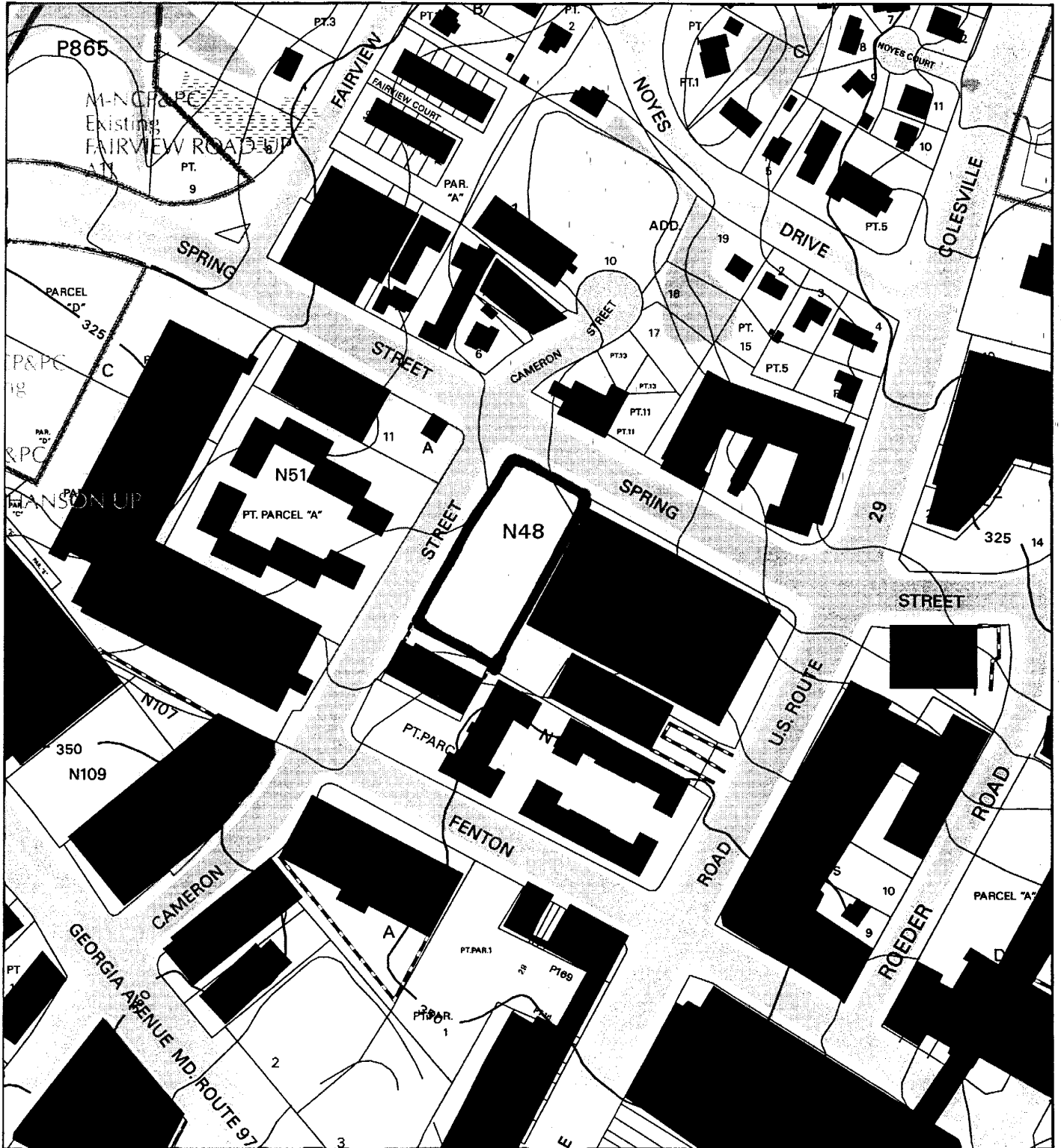
Based on the foregoing staff recommends the Planning Board grant waivers of Section 50-23, Section 50-34 and Section 50-37(b) pursuant to Section 50-38 of the Subdivision Regulations subject to the following condition:

- (1) Prior to Montgomery County Department of Permitting Services issuance of a Use and Occupancy Permit a complete record plat must be recorded in the land records for the subject site.
- (2) Necessary easements

ATTACHMENTS

Site Development Map	5
Proposed Site Development Plan	6
Waiver Justification Memorandum Dated August 28,2003	7 – 22
Community Based Planning Memorandum Dated Dated Sept. 11 2003	23 – 24

UNITED THERAPEUTICS (SRW-04002)



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Key Map



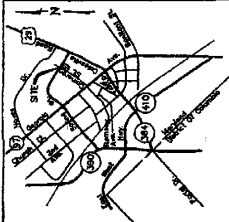
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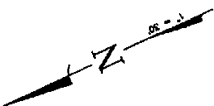
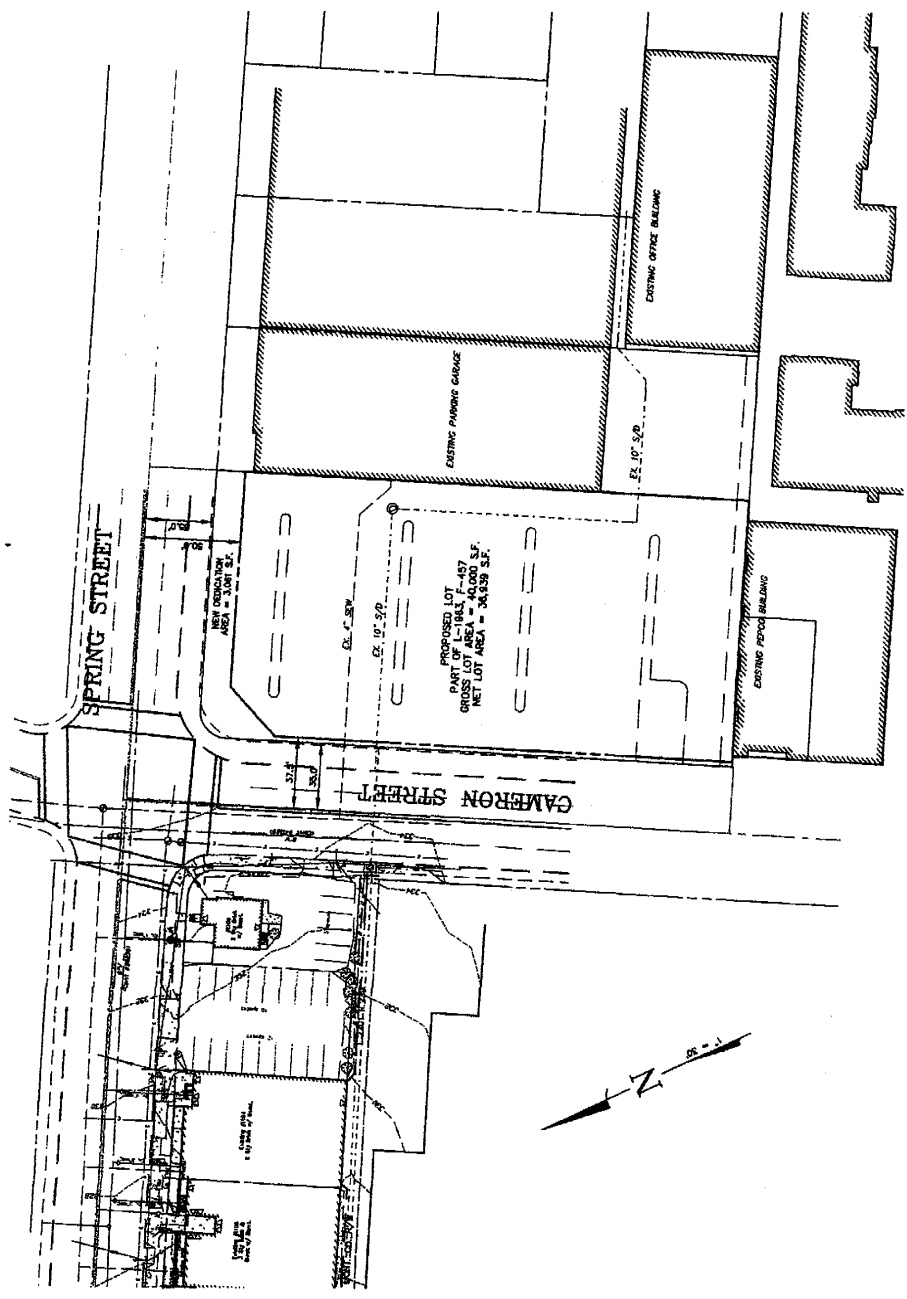
Research & Technology Center



1 : 2400



VICINITY MAP
SCALE 1" = 2,000'



TAX MAP JR-343
WESC 310 NW 01

SITE IDENTIFICATION PLAN

UNITED THERAPEUTICS
COUNTY PARKING LOT #21 - PART OF LIBER 1963 FOLIO 457
13TH ELECTION DISTRICT - MONTGOMERY COUNTY - MARYLAND

MHG Macris, Hendricks & Glascock, P.A. Engineers & Planners 1000 Williams Road, Suite 200 Columbia, Maryland, 21046 (410) 734-1111	Proj. No.	18-03	Design
	Date	8-27-03	Sheet
	Project No.	18-03	1 of 1
	Drawn by	CE	

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