



DEC 19 2012

MCPB No. 12-140  
Site Plan No. 82011009A  
Parklawn North  
Date of Hearing: December 13, 2012

### RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

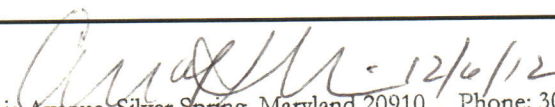
WHEREAS, on August 9, 2011, the Planning Board, by Resolution MCPB No. 11-70 approved Site Plan No. 820110090, for 520,000 square feet of additional office development, including up to 1,000 square feet of ancillary retail use on 12.96 acres of TMX-2-zoned-land, located on Fishers Lane approximately 1,000 feet east of Twinbrook Parkway ("Subject Property"), in the Twinbrook Sector Plan ("Master Plan") area; and

WHEREAS, on November 1, 2012, Parklawn North Lot, LLC ("Applicant"), filed an application for approval of an amendment to the previously approved site plan i) to amend the Final Forest Conservation Plan to accommodate the off-site hiker-biker trail approved under the previously approved site plan, and ii) to allow the following minor modifications on the Subject Property, all as shown on the Parklawn North drawings stamped "Received" by the M-NCPPC on October 15, 2012:

- Generator Addition: New generator pad to be installed behind building to the east to accommodate 4 emergency generators. Generator pad will have acoustical screen walls along the three sides.
- Stormwater Management ("SWM") Adjustments:
  - Relocate Bio-filter #4 from the generator pad footprint to the west side of the building;
  - Replace a bio-filter with a flow based storm filter to address runoff from the generator pad;
  - Reconfigure the two SWM facilities based on revisions to the bio-filter relocation;
  - Revise the storm drain network impacted by SWM revisions;
  - Add a new storm filter behind the building (on the north side of east wing).

Approved as to  
Legal Sufficiency:

8/8/12

 12/6/12  
Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
M-NCPPC Legal Department  
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org



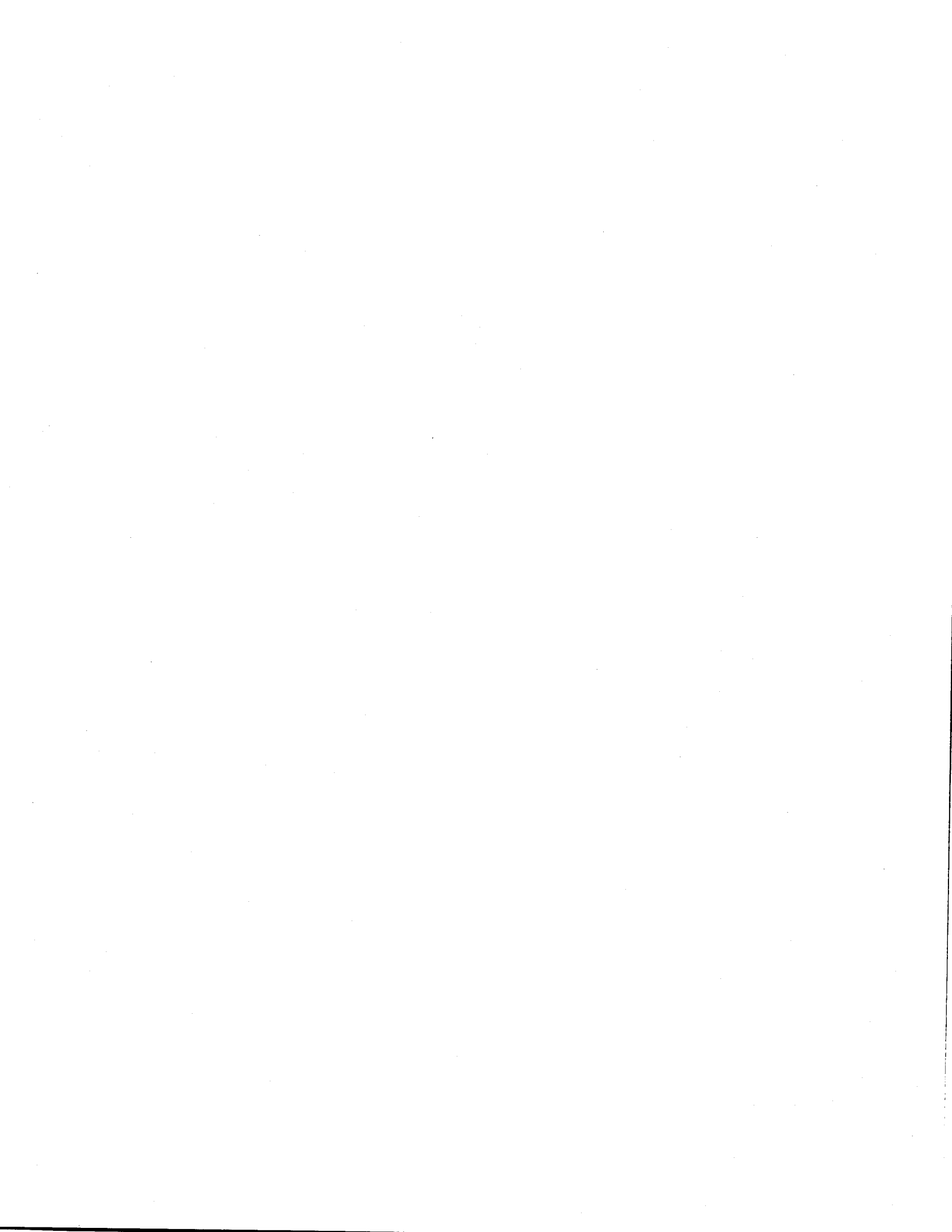
- Relocation of Transformers:
  - Relocate transformers and switch from Fishers Lane frontage to south side of the east wing of building;
  - Add asphalt access path for Pepco to the transformers from Fishers Lane (in the existing driveway footprint);
  - Adjust the plaza in the vicinity of the transformer access drive.
- Loading Dock Area Adjustments:
  - Re-configure the life safety generator behind the loading dock;
  - Add a grease trap in the loading dock area.
- Garage Area Pedestrian Improvement Adjustments:
  - Reconfigure the employee entrance path from garage to office building;
  - Add a pedestrian bridge from the garage 2nd floor to the office building's 1st Floor;
  - Add a new pedestrian entrance on the northeast corner of the garage (north face);
  - Reconfigure the sidewalk at the north-west corner of the garage.
- Eliminate the private sidewalk behind the garage, due to safety concerns.
- Add two underground chiller tanks behind building (on the North side of East Wing).
- Add 10' P.U.E. on portions of Rock Creek Mill Road and Fishers Lane.
- Add NIH bus shelter along Fisher's Lane.
- Increase parking spaces in garage from 669 to 678 and decrease spaces on Lot 6 from 83 to 77 spaces.
- Update information for Hiker-Biker Trail, including approximate length of trail; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82011009A, Parklawn North ("Amendment" 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 29, 2012, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on December 13, 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 conditions, by the vote as certified below.



NOW, THEREFORE, BE IT RESOLVED that, the Planning Board APPROVES Site Plan No. 82011009A by adding the following conditions:<sup>1</sup>

1. Recordation of a Certificate of Compliance Agreement for forest bank credits at an approved forest bank prior to issuance of any use and occupancy permit for the new office building.
2. Compliance with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan prior to issuance of any use and occupancy permit for the new office building.
3. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector prior to issuance of any use and occupancy permit for the new office building.
4. Modify Final Forest Conservation Plan and Site Landscape Plan to ensure consistency and move any plantings used for forest conservation credit out of stormwater management easements.
5. The Applicant must lower the screen panels around the generator pit to the east of the office building to a maximum of 6.5' from outside grade unless a height variance is granted by the Board of Appeals.

BE IT FURTHER RESOLVED, that all other site plan conditions of approval for this project, and all other conditions of the previously approved Final Forest Conservation Plan for this project remain valid, unchanged and in full force and effect.

BE IT FURTHER RESOLVED, that all site development elements as shown on Parklawn North drawings stamped "Received" by the M-NCPPC on October 15, 2012, shall be required, except as modified by the above conditions of approval; and

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, the Planning Board FINDS, with the conditions of approval, that:

1. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan in any manner that*

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



*would affect the Board's original findings, and therefore, all findings not specifically addressed remain in effect.*

2. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

A. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

The Amended Final Forest Conservation Plan has established that the new disturbance associated with the trail and off-site utility work results in an additional planting obligation of 0.87 acres. This requirement is to be satisfied with the purchase of off-site forest bank credits.

B. Forest Conservation Variance

Section 22A-12(b)(3) of the Forest Conservation Law identifies certain individual trees as high priority for retention and protection ("Protected Trees"). Any impact to these Protected Trees, including removal or any disturbance within a Protected Tree's critical root zone ("CRZ"), requires a variance under Section 22A-12(b)(3) ("Variance"). Otherwise such resources must be left in an undisturbed condition.

This Application will require CRZ impact to 31 Protected Trees as identified in the Staff Report. In accordance with Section 22A-21(a), the Applicant has requested a Variance and the Board agreed that the Applicant would suffer unwarranted hardship by being denied reasonable and significant use of the Subject Property without the Variance.

The Board made the following findings necessary to grant the Variance:

1. *Granting the Variance will not confer on the Applicant a special privilege that would be denied to other applicants.*

The proposed design has attempted to balance all of the competing factors that constrain the site. Given the intensity of the development and the requirement for construction of a hiker-biker trail through a forest, impacts to Protected Trees are to be expected. Since reasonable steps have been taken to minimize impact to Protected Trees, granting the Variance will not confer a special privilege to the Applicant.





2. *The need for the Variance is not based on conditions or circumstances which are the result of the actions by the Applicant.*

The Board concurs that the Variance is based on the constraints of the site and the proposed development density, public facilities and amenities as recommended in the Sector Plan, rather than on conditions or circumstances which are the result of actions by the Applicant.

3. *The need for the Variance is not based on a condition related to land or building use, either permitted or non-conforming, on a neighboring property.*

The Board concurs that the Variance is a result of the proposed site design and layout on the subject property and not as a result of land or building use on a neighboring property.

4. *Granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.*

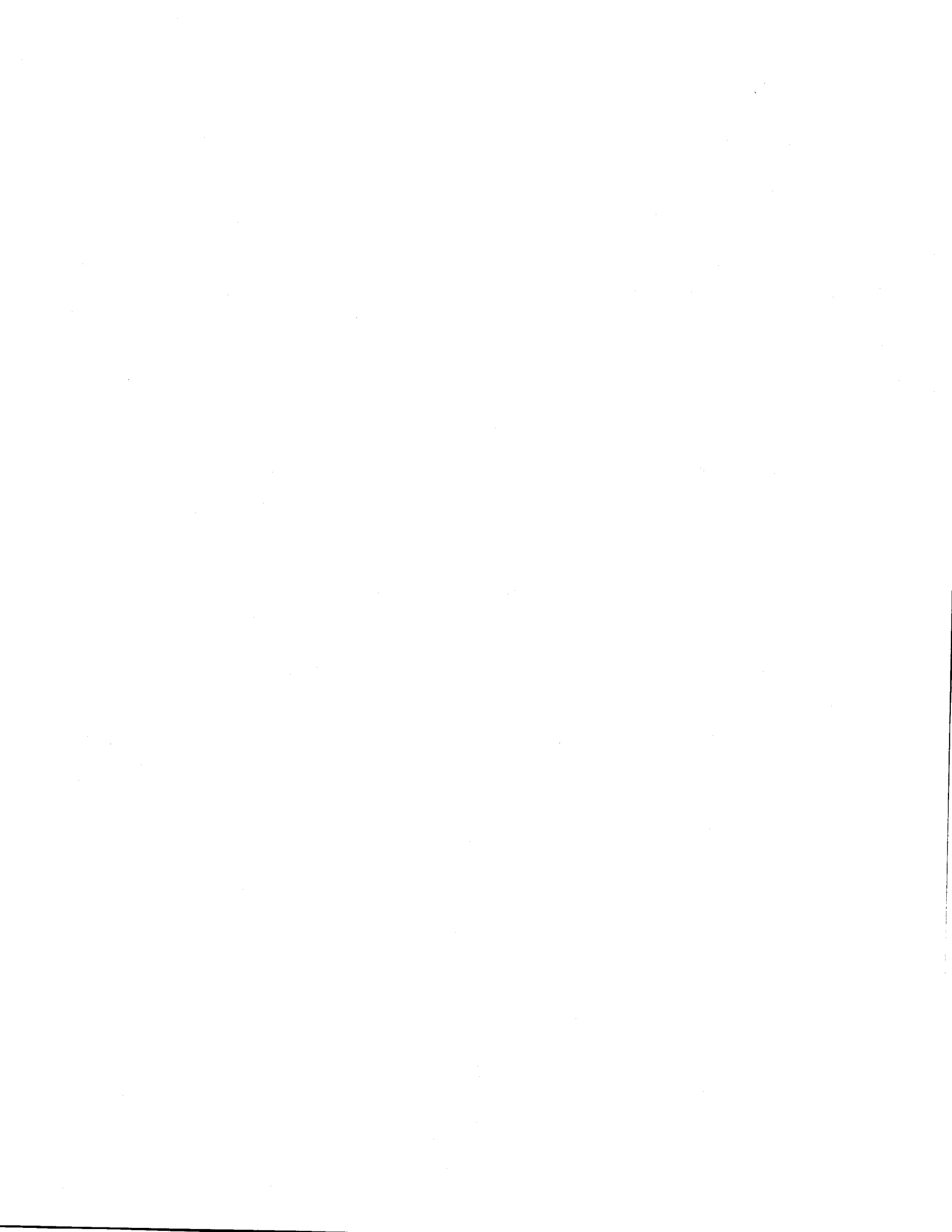
In this Variance request, all Protected Trees impacted are to be retained. Therefore, the Protected Trees will continue to intercept, filter and transpire stormwater, and the Board finds that granting the Variance will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for the Variance should be at a rate that approximates the form and function of the Protected Trees removed. In this Variance request, all Protected Trees impacted are to be retained; no mitigation is required for Protected Trees impacted but retained.

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

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; 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 DEC 19 2012 (which is the date that this resolution is mailed to all parties of record); and

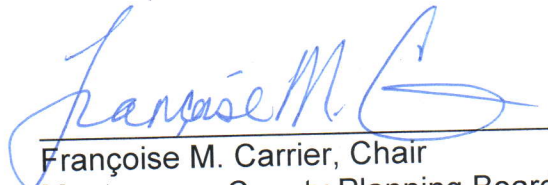


BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland 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 Anderson, 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, December 13, 2012, in Silver Spring, Maryland.

  
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Françoise M. Carrier, Chair  
Montgomery County Planning Board

