



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

MAY 19, 2015

MCPB No. 15-36
Preliminary Plan No. 11999033A
Decoverly Hall South
Date of Hearing: May 14, 2015

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, the Planning Board approved Preliminary Plan No. 119990330 Decoverly Hall South by Opinion mailed January 14, 1999 for 236,156 square feet of office and R&D use for two lots identified as Lots 1 and 2 for a combined lot area of 10.84 acres located on the north and south sides of Blackwell Road, in Rockville, at the intersection of Shady Grove Road and Blackwell Road.

WHEREAS, the Planning Board approved by Opinion mailed on August 2, 2000 a Preliminary Plan Amendment No. 11999033R to amend the Adequate Public Facilities (APF) agreement with the Planning Board limiting development to a maximum of 236,735 square feet of office use and pay to the Montgomery County Department of Finance the balance of the expedited development approval excise tax (EDAET), prior to receipt of building permits, as provided by County law on the Property; and

WHEREAS, on December 15, 2014, Wellblack 1, LLC ("Applicant"), filed an application for approval of a limited amendment to the previously approved preliminary plan(s) to change the uses to allow up to 100% Medical-Clinic use, or any less intensive use permitted in the LSC Zone, including up to 40% General Office use on Lot 1 only since the APF approval of the original Preliminary Plan encompassing both Lots 1 and 2 has expired; and

WHEREAS, the Applicant's preliminary plan application was designated Preliminary Plan No. 11999033A, Decoverly Hall South ("Preliminary Plan 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

Approved as to
Legal Sufficiency

Christina Somet 5/7/15

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Planning Board, dated May 1, 2015, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on May 14, 2015, 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 Preliminary Plan No. 11999033A to allow a maximum of 128,038 square feet of up to 100% Medical-Clinic use, or any other less intensive use allowed in the LSC Zone, including up to 40% General Office subject to the following conditions:¹

1. All previous conditions in Planning Board Opinions/Resolutions for the Decoverly Hall South site relating to Lot 1 shall remain in full force and effect unless there is any conflict, and if so, the Planning Board Resolution for the subject Preliminary Plan Amendment supersedes the previous approvals.
2. The approval is limited to a maximum of 128,038 square feet of up to 100% Medical-Clinic use, or any other less intensive land use allowed in the LSC Zone, including up to 40% General Office use. For future alternative land uses not analyzed herein, the Applicant must seek Adequate Public Facilities review for any trips in addition to the maximum of 307 peak-hour trips during the weekday morning peak period (6:30 to 9:30 a.m.) and 364 peak-hour trips during the evening peak period (4:00 to 7:00 p.m.) analyzed for this Application.
3. Any increase in square footage beyond the 128,038 square feet approved, or any reconfiguration of the existing building footprint, may require a Preliminary Plan Amendment to address, among other elements, the dedications of master plan recommended Business District Streets B-9 and B-10.
4. Prior to issuance of the last Use & Occupancy Certificate, the Applicant must provide an interim 8-foot wide shared-use-path, LB-4, within the existing public right-of-way of Blackwell Road between Medical Center Drive and the western property line of the Subject Property. The Applicant

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.

must demonstrate to the Department of Permitting Services (DPS) that the bond, permitting, and construction of the path have been completed as shown on the Certified Site Plan.

5. Concurrent with the activation of the Shady Grove Road/Blackwell Road traffic signal, the Applicant must provide crosswalks and handicap ramps on all four legs at the intersection of Shady Grove Road and Blackwell Road as approved by the Montgomery County Department of Transportation (MCDOT).
6. The Applicant must provide two sets of inverted-U bike racks (or equivalent approved by Staff) that conform to American Pedestrian and Bicycle Professionals Guidelines located near the existing front and rear building entrances.
7. The Planning Board accepts the recommendations of MCDOT in its letter dated March 17, 2015, as amended in a letter dated April 24, 2015, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter(s), which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
8. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

BE IT FURTHER RESOLVED, that all other preliminary plan conditions of approval for this project remain valid, unchanged and in full force and effect.

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.*

The Subject Property is located within the Life Science Center ("LSC") of the Great Seneca Science Corridor Master Plan area in the LSC Central District. The relevant Master Plan recommendations for the Subject Property are to:

- Transform the LSC into a dynamic live/work community while ensuring growth opportunities for research, medical and bioscience interests. (Page 9)
- Create a grid pattern of new streets that improve local circulation and connectivity among the LSC districts, promote alternatives to car use, and enhance access to the future transit stations. (Page 9)
- 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. (Page 10)
- The LSC will have a walkable street system with a grid pattern network. Streets and transit will tie the districts together. The LSC Loop will unify the pedestrian and bicycle circulation system of sidewalks, bikeways, trails, and paths that provide mobility and recreation options. The CCT will include a multi-use path that will enhance connectivity among the LSC districts. (Page 25)

The Applicant's proposal for a change in uses will contribute to transform the LSC Central District into a dynamic community envisioned in the Master Plan. The approved project will implement the Master Plan's vision for improved local circulation and connectivity within the LSC Central District. The extension of the existing shared-use-path, LB-4 in the currently unimproved right-of-way of Blackwell Road from the Subject Property's western property line to Medical Center Drive will improve circulation and connectivity in the area. Completion of this connectivity will increase recreation opportunities and promotes use of non-auto transportation. Other public facility improvements required of the Applicant as conditions of approval of the Preliminary Plan Amendment including installation for a traffic signal and the associated crosswalks and handicap ramps at the intersection of Shady Grove Road and Blackwell Road will make pedestrian and vehicular circulation systems adequate, safe and efficient.

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

Local Area Transportation Review

The Applicant submitted a traffic study which demonstrated that the requested change in use will generate 117 additional morning and 160 additional evening peak-hour trips during the weekday morning and the evening peak periods. Six intersections were analyzed for Critical Lane Volume (CLV) values based on existing, background and total traffic conditions. The analysis concluded the six intersections are at less than the

applicable congestion standard for these intersections thereby satisfying the Local Area Transportation Review (LATR) test.

Pedestrian and Bicycle Facilities

Some of the existing pedestrian and bicycle facilities in vicinity of the Subject Property were found to be in substandard condition. The Applicant must upgrade a handicap ramp at the corners of the eastbound Blackwell Road approach at the intersection of Shady Grove Road and Blackwell Road; provide a marked pedestrian crosswalk over the northern Blackwell Road approach; provide a safe pedestrian crossing of Shady Grove Road at Blackwell Road, especially for pedestrians walking to the restaurants in the Fallsgrove Village Center; two sets of inverted-U bike racks to each store two bicycles; and provide any other missing or substandard crosswalks and handicap ramps on all four intersection legs. All these improvements will provide adequate facilities to support and serve this project.

Traffic Signal Warrant Analysis

As a result of the Applicant's Traffic Signal Warrant Study for the Shady Grove Road and Blackwell Road intersection submitted at the request of MCDOT, the Applicant must install a traffic signal at this intersection to address Adequate Public Facilities (APF). The conditions of approval from MCDOT regarding the installation of an operational traffic signal at this intersection are found in the MCDOT's amended letter dated April 24, 2015.

3. *The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

The lot configuration as previously approved by the Planning Board for the Subject Property remains unchanged in this Preliminary Plan Amendment request. However, this request will save the original Lot 1 from the Decoverly Hall South subdivision, Lots 1 and 2 created in 1999. The Planning Board finds that the size, shape, width, and area of the Subject Property in Lot 1 will remain appropriate for the location with the approval of this Preliminary Plan Amendment. The Amendment does not include any exterior alterations or physical changes to the existing five-story office building or the site layout.

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

Final Forest Conservation Plan

The Subject Property has an existing approved Final Forest Conservation Plan (FFCP), No. 819990140. The FFCP remains valid for this Preliminary Plan Amendment because no physical changes to the site will occur. Therefore, the Amendment is in compliance with Chapter 22A, Forest Conservation.

The Applicant is required to make off-site improvements to extend an interim shared-use-path between Medical Center Drive and the Subject Property's western property line in the Blackwell Road right-of-way. Activity associated with the path extension will trigger compliance with Chapter 22A, Forest Conservation. The Applicant must address forest conservation requirements for the path extension and demonstrate to the Department of Permitting Services (DPS) that the bond, permitting, and construction of the path have been completed as shown on the Certified Site Plan prior to the issuance of the last Use & Occupancy Certificate for the Subject Property.

Environmental Guidelines

The Subject Property is in the Watts Branch watershed and does not lie within a Special Protection Area and it contains no streams or their buffers, wetlands or their buffers, steep slopes, or known occurrences of rare, threatened, or endangered species. Therefore, the Planning Board finds the proposed Preliminary Plan Amendment is in conformance with the Montgomery County Planning Department's Environmental Guidelines.

With the analysis above and the Preliminary Plan Amendment conditions of approval, the Board finds that the Application satisfies the requirements of Chapter 22A, Forest Conservation and the Planning Department's Environmental Guidelines.

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) has determined this project does not require review and approval of a new stormwater management concept plan because no changes or alterations will occur at the Subject Property. The previous stormwater management plan approvals for the Subject Property, issued by DPS before the office building was constructed in 2000, are valid.

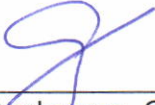
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAY 19 2009 (which is the date that this Resolution is mailed to all parties of record); and

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 Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor at its regular meeting held on Thursday, May 14, 2015, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board