



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

**MAY 19 2015**

MCPB No. 15-37  
Site Plan No. 81999014C  
**Decoverly Hall South**  
Date of Hearing: May 14, 2015

**RESOLUTION**

WHEREAS, under Montgomery County Code, Section 59-7.1.2 of the Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, under Section 59-7.7.1.B.1 of the Zoning Ordinance, this site plan is being reviewed under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

WHEREAS, the Planning Board approved Site Plan No. 819990140 by Opinion mailed on January 14, 1999, a request for 236,156 square feet of office and R&D use for Lots 1 and 2 of the Decoverly Hall South site on 10.87 acres of R&D zoned-land located at 9601 Blackwell Road, Rockville, in the northwest quadrant of the Shady Grove Road and Blackwell Road intersection ("Subject Property"), in the R&D Village Policy Area, Great Seneca Science Corridor (GSSC) Master Plan ("Master Plan") area; and

WHEREAS, on June 29, 2000, the Planning Board approved an amendment to the Site Plan No. 811999014A by Opinion mailed August 2, 2000, for submittal of an amended Site Plan Enforcement agreement; and

WHEREAS, on September 18, 2002, the Director of the Planning Department administratively approved Site Plan Amendment No. 81999014B to modify the Site Plan's parking tabulations for a bank addition on Lot 2 and included a bank entrance addition with a drive-up pneumatic teller unit on the east side; and

WHEREAS, on December 15, 2014, Wellblack 1, LLC, Applicant, filed an application for approval of an amendment to the previously approved site plan(s) for a change in use for up to 100% Medical-Clinic use, or any less intensive use permitted in the LSC Zone, including up to 40% General Office use and an amendment to the

Approved as to  
Legal Sufficiency

*Christina Song A 5/7/15*

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parking requirements on 5.51 acres of LSC-1.0 H-110T zoned-land, confirm several site features installed by the previous owner and to amend the parking requirement on the Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 81999014C, Decoverly Hall South ("Site 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 Planning Board, dated May 1, 2015, setting forth its analysis of, 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 Site Plan No. 81999014C for a maximum of 128,038 square feet of up to 100% Medical-Clinic use, or any less intensive use permitted in the LSC Zone, including up to 40% General Office use, and an amendment to parking requirements as modified by the following conditions:<sup>1</sup>

1. Preliminary Plan Conformance

The development must comply with the conditions of the approval of Preliminary Plan 119990330, and 11999033A.

2. Maintenance

Maintenance of all on-site landscaping, lighting, hardscape, and site elements is the responsibility of the Applicant and subsequent owner(s). Maintenance may be taken over by a governmental agency by agreement with the owner and applicable agency.

3. Forest Conservation Plan

Prior to issuance of the last Use & Occupancy Certificate for the Subject Property, the Applicant must demonstrate to Planning Staff that the necessary approvals have been received to address the forest

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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.

conservation requirements for the construction of the interim shared-use-path in the unimproved Blackwell Road public right-of-way between the western terminus of Blackwell Road and Medical Center Drive.

4. Development Program

The Applicant must construct all on and off-site improvements as required by the conditions of approval in accordance with a development program that will be reviewed and approved by Planning Staff prior to the approval of the Certified Site Plan.

5. Certified Site Plan

The Certified Site Plan must include the following revisions and/or information subject to Staff review and approval:

- a. Final Forest Conservation Plan approval letter, all agency approval letters, and all original and subsequently amended Planning Board resolutions for the Preliminary Plan and Site Plan.
- b. Remove unnecessary plan sheets, as required by Staff.
- c. Ensure consistency of all details and layout among the site, landscape and lighting, and forest conservation plan of compliance.
- d. A note stating: Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings at the Department of Permitting Services.

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

BE IT FURTHER RESOLVED, that all site development elements as shown on the Decoverly Hall South electronic drawings received by the M-NCPPC as of the date of the Staff Report, 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 preliminary plan as revised by previous amendments 81999014A and 81999014B, and all findings not specifically addressed remain in effect.*

The approvals of the previous plans remain in effect.

2. *The site plan conforms to all non-illustrative elements of a development plan, or diagrammatic plan, and all binding elements under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The Property is not subject to a development plan, diagrammatic plan, schematic development plan, or project plan.

3. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan under Chapter 56.*

The development does not include any exterior alterations or physical changes to the existing five-story office building on the Subject Property. The original Site Plan No. 819990140 was approved in 1999 under the optional method development standards of the R&D Zone. The Amendment will continue to meet the development standards of the original approval since there will be no change to the existing building or the site layout.

The primary purpose of the LSC Zone is to promote research, academic and clinical facilities that advance the life sciences, health care services, and applied technologies. The LSC Zone requires any development must be consistent with the recommendations of the applicable Master Plan. The Board finds that Site Plan Amendment No. 81999014C is in substantial conformance with the Master Plan, as conditioned because, the Application will contribute to implement a key Master Plan recommendation for the transformation of the LSC into a dynamic live/work community while ensuring growth opportunities for research, medical and biosciences interests. This Application also implements the Master Plan's recommendations and vision for the LSC Central District by contributing to create a vibrant LSC hub.

The development also meets the minimum parking requirements for the Subject Property per Section 7.7.1.B.3.b. of the current Montgomery County Zoning Ordinance.

The Subject Property is not in an Urban Renewal Area.

4. *The location of buildings and structures, open spaces, landscaping, recreational facilities, and pedestrian and vehicular circulation systems are adequate, safe and efficient.*

#### Building and Structures

Because there will be no physical alteration, expansion or renovation of the existing five-story office building, or the site layout including the surface parking lot located on all four sides of the building, the previous findings of adequacy of buildings and structures remain valid.

#### Landscape and Lighting Plan

Although there will be no physical alteration, expansion or renovation of the existing five-story office building, or the site layout including the surface parking lot located on all four sides of the building, the Applicant must replace 10 existing street trees (Sugar Maples) in the public right-of-way along the site's frontage on Blackwell Road per Montgomery County Department of Transportation (MCDOT) street tree standards with 10 Zelcovas.

#### Pedestrian and Bicycle Facilities

The development will include improvements to pedestrian crosswalks and handicap ramps at the Shady Grove Road and Blackwell Road intersection to satisfy current standards, provide better circulation and pedestrian and bicyclists' safety and thereby make pedestrian and bicycle facilities adequate, safe and efficient. One existing bike rack in the parking lot will remain where currently located. Two new bike racks will be installed closer to the buildings entrances to increase bicycle parking opportunities.

The Applicant will also install an interim extension of the existing path at the Subject Property's western property line inside the undeveloped Blackwell Road public right-of-way to the terminus at Medical Center Drive.

#### Vehicular Circulation

The Subject Property has two vehicular access points onto Blackwell Road and these will remain as constructed because, no exterior physical changes, renovations or alterations are proposed at the Subject Property in this application. The Applicant will work with the MCDOT to install an operational traffic signal at the Shady Grove Road/Blackwell Road intersection. As a result of a Traffic Signal Warrant Analysis by the Applicant for this intersection, MCDOT determined a traffic signal must be designed, bonded, permitted and constructed by the Subject Property's Applicant as in MCDOT's three conditions of approval. The Board finds that with these pedestrian, bicycle and traffic signal installation

improvements and the conditions of approval, pedestrian and vehicular circulation systems are adequate, safe and efficient.

5. *Each structure and use is compatible with other uses and other site plans and existing and proposed adjacent development.*

Since there will be no physical alteration, expansion or renovation of the existing five-story office building, the Board finds that the existing office building will continue to be compatible with other structures in the immediate area and the larger vicinity, and that the approved uses are compatible with other similar medical and biotech uses nearby in the LSC Central District of the GSSC Master Plan area.

6. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

A previously approved Final Forest Conservation Plan (FFCP) No. 819990140 remains valid for the Site Plan Amendment.

Off-site improvements by the Applicant for installation of the shared-use-path in the unimproved right-of-way of Blackwell Road will trigger compliance with Chapter 22A Forest Conservation Law. As a condition of the Site Plan Amendment approval, the Applicant must demonstrate to Planning Staff that the necessary approvals have been received to address the forest conservation requirements for the path, prior to the issuance of the last Use & Occupancy Certificate for the Subject Property. Therefore, the Board finds the Site Plan Amendment is in conformance with the *Environmental Guidelines* and Chapter 22A of the Montgomery County Forest Conservation Law.

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 MAY 19 2015 (which is the date that this Resolution is mailed to all parties of record); and

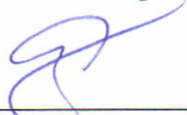
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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**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.

  
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Casey Anderson, Chair  
Montgomery County Planning Board