

RESOLUTION NO. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF GAITHERSBURG
GRANTING APPROVAL OF SCHEMATIC DEVELOPMENT PLAN SDP-7059-2015,
KNOWN AS MEDIMMUNE GARAGE "C", FOR AN APPROXIMATELY 4,000 SPACE
STRUCTURED PARKING FACILITY ZONED MIXED USE DEVELOPMENT (MXD)SDP-7059-2015OPINION

Schematic development plan application SDP-7059-2015, zoned Mixed Use Development (MXD), has come before the Mayor and City Council for approval. The City Council's authority in this matter is pursuant to §24-160D.9.(b)(2) of the City of Gaithersburg Zoning Ordinance (Chapter 24 of the City Code) which authorizes the Council and Commission to conduct public hearings on a schematic development plan application following appropriate notification procedures and to take action on the application within ninety (90) days of the close of the hearing record, following receipt of a recommendation by the City Planning Commission.

The subject case involves approximately 31.9 acres of land and concerns the development of the subject properties (Properties) known as Lot 1 and Lot 6, to become Lot 9 and Parcel B. The properties are located at 1 Medimmune Way and 200 Orchard Ridge Drive within the Medimmune campus. The schematic development plan application was submitted to the City Planning and Code Administration on June 19, 2015. This application was designated as SDP-7059-2015.

OPERATIVE FACTS

A. Background

Medimmune, beginning in 2002, began purchasing the parcels comprising the Quince Orchard Corporate Park. With all the parcels under ownership, (62.6 acres) Medimmune explored options with the City to further expand through an additional annexation (X-129) Amendment in order to create a corporate campus. The 6th Amendment was approved March 8, 2013. The amendment revised the density of development allowed on the Medimmune properties; dedicated new City parkland; and included transportation and community improvements among other details.

The Gaithersburg campus was declared AstraZeneca's R&D center of excellence in the Americas. As such, Medimmune has expanded its offices and lab space in recent years to support its growth. With this current and future growth has been the need to expand the campus' infrastructure in order to support additional growth in staff and office/lab space. The applicant has submitted plans for a new parking garage in anticipation of new office and lab development so that it can

accommodate the future growth before it occurs.

B. Current Application

On June 19, 2015, Mr. Erik Morrison on behalf of Medimmune Inc., submitted an application for schematic development plan, SDP-7059-2015. This application includes the construction of a structured parking facility to serve future Medimmune/AstraZeneca development. The plan proposes a 1,402-space parking garage with seven levels adjacent to existing Garage "B". The new garage straddles two properties, located at 1 Medimmune Way and 200 Orchard Ridge Drive, both of which are zoned MXD. The properties will be consolidated into one lot (Lot 9) of approximately 30.78 acres, with a 1.09 acre outparcel (Parcel B) reserved for right-of-way for the future Corridor Cities Transitway (CCT).

The Mayor and City Council and the Planning Commission held a joint public hearing on application SDP-7059-2015 on July 20, 2015. During the course of the hearing the following aspects of the proposed plan were discussed:

- The aesthetics of the garage
- The phasing of garage construction
- The aesthetic relationship between the garage and the future CCT transit stop on the west side of Great Seneca Highway.
- Snow removal plan
- Green Parking Council standards

There was no testimony from the public during the course of the public hearing nor was there any comment from the public while the record remained open.

The Planning Commission record on SDP-7059-2015 closed as of five (5) PM, August 28, 2015. The Planning Commission reviewed the SDP-7059-2015 application at its regular meeting on September 16, 2015. Based upon its review of the evidence, the Planning Commission found the SDP-7059-2015 application to be in conformance with the MXD Zone standards. The Planning Commission recommended approval of the application to the City Council with the following conditions required of the applicant:

1. Applicant to dedicate Parcel B ("Future 50' Transit" or "Proposed Transitway Area") upon agreement with the City and/or Maryland Transit Administration as to the timing of the dedication, compensation for the dedication, and a possible land exchange arrangement involving the prior Corridor Cities Transitway ("CCT") alignment, provided the Maryland Transit Administration confirms that the prior CCT alignment no longer is necessary for the CCT project;
2. Applicant shall receive a parking waiver from the Planning Commission at the time of final site plan approval;
3. Applicant shall provide a revised Traffic Analysis as part of the final site plan approval that looks at existing traffic to include the internal loop road running to the north of Garage B;

4. Applicant shall work with staff to enhance the west garage elevation facing Quince Orchard Road (MD 124) and enhance the landscape buffer around the building prior to final site plan approval;
5. Applicant to submit a revised Preliminary Subdivision Plan (Sheet PP-1.00) prior to the close of the Mayor and City Council record;
6. Applicant to submit a revised set of plans prior to the close of the Mayor and City Council record that reconciles the location of all vehicular and pedestrian entrances to the garage.

C. Evaluation and Findings

The City Council, upon careful review of the evidence of record, agrees with the findings, conclusions and the recommendation of approval for schematic development plan SDP-7059-2015 by the City Planning Commission and City staff. The City Council finds those recommendations to be well reasoned and adopts and incorporates their findings as part of this action. The City Council further agrees with the Planning Commission in that the procedures governing the application for the MXD Zone and approvals necessary to seek building permits are subject to a multi-step process and that this is only one of several steps in the process, that subsequently includes Final Site Plan reviews and approvals.

In reviewing the subject application for the approval of schematic development plan SDP-7059-2015, the City Council finds the application and development proposal meets or accomplishes the purposes, objectives, and minimum standards and requirements of the MXD Zone that are set forth in Chapter 24 (Zoning) Article III, Division 19 of the City Code.

The City Council finds that the application meets the submission requirements and the standards and requirements for approval of the subject schematic development plan, as set forth in §24-160D.9(b) in that:

- 1) The applicant filed, together with the prescribed application fee, an application for approval of a schematic development plan which is consistent with the approved sketch plan (X-129 6th Amendment) in terms of nature, density, location of use, access, circulation, and preservation features;
- 2) The schematic development plan is in substantial compliance with the approved Sixth Amendment to the X-129 Annexation Agreement;
- 3) The schematic development plan application SDP-7059-2015 was complete as shown in the Index of Memorandum and contains all the information and components required under §24-169(b) of the City Code;
- 4) The 2009 Land Use Element recommends retaining a residential-office land use designation for Quince Orchard Park and retaining the MXD zoning classification for the Properties;

- 5) The schematic development plan is part of the greater Quince Orchard Park development containing a minimum of two hundred (200) dwelling units and one hundred thousand (100,000) square feet of proposed retail/office development, or a comparable equivalent mix;
- 6) The City Council and City Planning Commission have conducted a joint public hearing on the application subject to the notification procedures in §24-196 of this Code;
- 7) The Planning Commission delivered its recommendation to the City Council on September 17, 2015, within thirty (30) days of the close of the Commission's hearing record of August 28, 2015;
- 8) The Council is taking action on the application within ninety (90) days after the close of the Council's hearing record on September 25, 2015;
- 9) The approval of this schematic development plan with its degree of detail shall substitute for preliminary site plan approval and preliminary subdivision plan approval; and
- 10) The proposed development will be constructed in two stages and be served by all public facilities.

Furthermore, the City Council finds from the evidence of record that the application for schematic development plan approval, SDP-7059-2015, as currently amended, fulfills the findings required under §24-160D.10:

- (1) The plan is substantially in accord with the approved sketch plan.

The schematic development plan is consistent with the Sketch Plan in the Sixth Amendment to Annexation Agreement X-129 dated March 8, 2013. Under Section 5 of the Agreement, the City acknowledged that the concept plans (Attachment A to the Amendment) constitutes an approved sketch plan. Thus, the current sketch plan for the Property was approved as part of the Sixth Amendment to Annexation Agreement X-129 and specifies that the Ridges property be used principally for office/lab uses. The sketch plan allows for 1,200,000 – 2,100,000 square feet of office/lab uses within buildings 4-9 stories in height. The subject application for Parking Garage "C" is supportive of the primary use of office/lab.

- (2) The plan meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone.

- a) Application SDP-7059-2015 is accessory to the established primary use of office/lab and will support future development within an already defined campus.
- b) Application SDP-7059-2015 provides design elements that complement the

architectural style of the surrounding campus and will provide additional landscaping.

- c) Application SDP-7059-2015 contributes to and supports the mix of land uses including commercial that work to complement one another within a neighborhood framework, in this case Quince Orchard Park.
- d) Application SDP-7059-2015 encourages the efficient use of land by providing parking in a structured parking facility rather than surface parking. Traffic circulation will utilize existing entrances and no additional access points are required from adjoining roads.

(3) The application is in accord with the area master plan and any accompanying special conditions or requirements contained in said master plan for the area under consideration:

As stated above, the 2009 City of Gaithersburg Land Use Master Plan recommends retaining a residential-office land use designation for Quince Orchard Park and retaining the MXD zoning classification for the Property. The Medimmune campus constitutes the primary office portion of the Quince Orchard Park mixed-use development. The project will provide a much needed facility to meet the future parking demands of existing and future employees and visitors on the Medimmune campus, which will contribute to the future success of the office use within the greater Quince Orchard Park development.

(4) The plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned area and adjacent areas;

The approved mix of land uses for Quince Orchard Park, (single and multi-family residential and commercial) are compatible with the proposed use, which is accessory to the existing commercial office and lab uses. The Applicant has incorporated materials and design elements for the garage consistent with the existing built environment and mitigates the negative impacts of a parking structure by locating its dominant façade furthest from residential development and by adding decorative panels and design features that coordinate with existing architectural features of the existing Medimmune campus as well as the design elements of the Kentlands Boulevard Commercial District Special Study Area (Amendment to the 2003 Land Use Plan). The traffic analysis demonstrates that the proposed use will have no negative impacts on the adjacent public road network operations.

(5) The existing or planned public facilities are adequate to service the proposed development contained in the plan;

This application complies with the City's adequate public facilities requirements, as follows:

Water and Sewer Services

The Property is located in water and sewer service area categories W-1 and S-1, and the project complies with §24-247 - Water and Sewer Service:

- a) Water Service – The proposed development does not anticipate the need for a suppression system and will not result in a significant increase in fire or domestic flow. The proposed parking structure will contain a number of hose bibs to maintain the garage, but will have nominal impact on flows. The site is presently being served by an existing twelve inch WSSC waterline within Quince Orchard Road. The existing waterline appears to be adequate to serve the existing and proposed development for both domestic and fire flows. The parking garage will be served by a proposed +/-2" domestic waterline.
- (b) Sewer Service – The proposed parking garage will be served by connecting into an existing eight inch sanitary sewer on the southern border of the Property. A new six inch gravity flow sewer will be constructed to provide service by the WSSC Plumbing Code. The proposed development will not result in an impact to the transmission capacity available at the Blue Plains Wastewater Treatment plant, Seneca Wastewater Treatment Plant, or other WSSC facilities.

Fire and Emergency Services

The Medimmune site resides within the ten (10) minute response areas of the Montgomery County Fire and Rescue Stations, Station 8 (Gaithersburg-Montgomery Village) and 31 (Rockville-Quince Orchard).

Schools

Adequacy of school capacity is not applicable since the project does not include residential development.

Transportation

Sections 10 and 11 of the 6th Amendment address transportation impacts. Section 10 defines that Medimmune is responsible for any immediate transportation improvements necessary to facilitate a development project; however, Medimmune is allowed to develop up to 138,518 SF of new building area without any further dedications or payments related to transportation network improvements. Section 11

defines that Medimmune has no further APFO obligations related to transportation outside of the requirements of Section 10. The recently approved schematic development plan for a 20,000 SF childcare facility will be deducted from the 138,518 SF of new building area. The proposed parking garage is considered accessory to any additional square footage and, therefore, does not count toward the transportation requirements of Section 10.

As part of a new Preliminary Subdivision Plan, a new parcel, Parcel B, will be established delineating a 50' right-of-way along Quince Orchard Road for the future Corridor Cities Transitway ("CCT") alignment. Medimmune will dedicate Parcel B upon agreement with the City and/or Maryland Transit Administration as to the timing of dedication, compensation for the dedication, and a possible land exchange arrangement involving the prior Corridor Cities Transitway ("CCT") alignment, provided the Maryland Transit Administration confirms that the prior CCT alignment no longer is necessary for the CCT project.

(6) The development staging or phasing program is adequate in relation to the provision of public facilities and private amenities to service the proposed development;

This SDP is proposed in two phases. Because both phases of development are planned to be constructed in advance of any new office or lab development and will provide a surplus of parking to serve the existing Medimmune population, the phasing is adequate to serve the existing population. The applicant has demonstrated that the project can be staged without disrupting existing traffic patterns.

(7) The plan, if approved, would be in the public interest.

The construction of Parking Garage "C" serves as a necessary first step in the continued growth of the AstraZeneca/Medimmune campus. The project will provide parking to serve future development on the Medimmune campus and is proposed in a manner that eliminates parking deficiencies as future phases of office and lab space are developed. As the City's largest employer, it is in the public interest that the corporation is able to grow within the City limits, provide additional meaningful employment to the City's workforce and help maintain and grow the City's commercial tax base.

In summary, The City Council finds SDP-7059-2015 to be in accordance with §§24-160D.9.(b) and 160D.10.(b) and, as hereafter conditioned, is in the public interest and should be approved due to the presence of substantial evidence in the record to indicate that the subject Schematic Development Plan has accomplished the purposes of the MXD Zone, as well as generally accepted City planning and land use policies, subject to the applicant complying with the conditions stated in this Resolution.

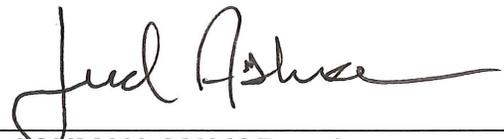
SCHEMATIC DEVELOPMENT PLAN SDP-7059-2015

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED by the City Council Gaithersburg, that SDP-7059-2015, being an application filed by Medimmune Inc., requesting approval of Schematic Development Plan is hereby approved subject to the following conditions required of the applicant:

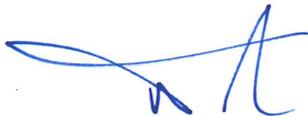
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2. Applicant shall receive a parking waiver to permit more than the maximum number of parking spaces from the Planning Commission at the time of Final Site Plan approval;
3. Applicant shall work with staff to enhance the west garage elevation facing Quince Orchard Road (MD 124) and enhance the landscape buffer around the building prior to final site plan approval.

ADOPTED by the City Council this 19th day of October, 2015.



JUD ASHMAN, MAYOR and
President of the Council

THIS IS TO CERTIFY, that the foregoing Resolution was adopted by the City Council, in public meeting assembled on the 19th day of October, 2015.



Tony Tomasello, City Manager