



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

MCPB
ITEM #
5/24/07



MEMORANDUM

DATE: May 11, 2007

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RAK*
Development Review Division
Catherine Conlon, Subdivision Supervisor *CC*
Development Review Division

FROM: Richard A. Weaver (301-495-4544) *RAW*
Development Review Division

REVIEW TYPE: Preliminary Plan Amendment

APPLYING FOR: Request to amend condition relating to Lois Green Conservation Park parking lot

PROJECT NAME: Airpark North Business Park

CASE NO. 12004018A (formerly 1-04018)

REVIEW BASIS: Pursuant to Chapter 50, the Subdivision Regulations

ZONE: I-4

LOCATION: On the east side of Snouffer School Road opposite intersection with Alliston Hollow Way

MASTER PLAN: Gaithersburg and Vicinity

APPLICANT: Webb Tract, L.L.C.

ATTORNEY: Lerch, Early and Brewer

ENGINEER: Gutschick, Little and Weber

FILING DATE: March 22, 2007

Staff Recommendation: Approval of Preliminary Plan No. 12004018A, subject to the following conditions:

- 1) Previous condition #21, shall be amended as follows:

21). Prior to April 30, 2008 [the end of the validity period for the first stage, (see condition #27)] applicant to engineer and construct a paved parking lot, and an adequate entrance off of Snouffer School Road for such parking lot, at the Park Master Planned location for the Park Natural Discovery Area, located south of the new park entrance road.
- 2) All other previous conditions of approval as contained in the Planning Board Opinion dated July 26, 2004 remain in full force and effect.

SITE DESCRIPTION and SURROUNDING AREA:

Airpark North Business Park, formerly known as the “Webb Tract” is a 134-acre undeveloped property located within the boundaries of the 1985 *Gaithersburg Vicinity Master Plan*. The property is located on Snouffer School Road near Centerway Road and is zoned I-4 (low-intensity, light industrial). The site is entirely within the Great Seneca Creek watershed, a Use I watershed. The 134-acre site includes 27 acres of forest and a stream and associated floodplain and wetlands that bisects the property in a southwest to northeast fashion. There are 27.4 acres of stream buffer along this stream.

A vacated Army Reserve Center is located immediately adjacent to the subject property to the north and is also zoned I-4. Also adjacent to the northern boundary of the property is residential development in Montgomery Village, which is in the Town Sector Zone. To the immediate east and south of the subject site is the M-NCPPC-owned Lois Green Farm Conservation Park, which is zoned R-200. The Montgomery County Airpark is located to the southeast of the subject site just beyond the park property. The land immediately surrounding the Airpark is zoned I-4 and is known as the Airpark Industrial Park. The subject property has considerable frontage along Snouffer School Road. Across Snouffer School Road to the west of the site is residential development, known as Hunter’s Woods, in the R-200 zone. Alliston Hollow Way intersects with Snouffer School Road and is the sole point of access for the Hunter’s Woods neighborhood.

(Attachment A – Vicinity Map)

PREVIOUS APPROVALS

The subject preliminary plan was originally brought before the Planning Board for a public hearing on July 15, 2004, and was approved for up to 559,300 square feet of research and development office use, up to 247,626 square feet of business park use (i.e., generally light industrial and commercial office uses), and up to 461,285 square feet of warehouse use, or a combination of non-residential development with an equivalent

number of weekday morning and evening peak hour trips. The approval was granted subject to conditions as set forth in the Opinion of the Board mailed on July 26, 2004. (Attachment B – Planning Board opinion)

In their deliberations of the preliminary plan at the July 15, 2004 hearing, the Planning Board considered the approved Lois Y. Green Farm Conservation Park Master Plan that set forth a number of important goals necessary to improve the adjacent Lois Green Park to make it accessible and usable for the public and best protect its natural resources. A primary goal set forth in the Park Master Plan was to establish an entrance road and parking lot in a safe location on Snouffer School Road. The road would serve as the primary access to the park and the parking lot would serve the needs of the Natural Discovery Area and trails established in the Park Master Plan.

The Airpark North Business Park Plan provides for the construction of both a public road to provide shared, safe access to the Park and the business park, and a parking lot for trail users. Park Planning and Resource Analysis Staff found the concept to be in conformance with the Lois Y. Green Farm Conservation Park Master plan and supported the concept. Condition #21 as described below, established a time frame for the parking lot to be constructed.

PROPOSED PRELIMINARY PLAN AMENDMENT

The currently proposed preliminary plan amendment requests Planning Board approval of a modification to Condition #21, which currently reads:

“ Prior to the end of the validity period for the first stage, (see condition #27), applicant to engineer and construct a paved parking lot, and an adequate entrance off of Snouffer School Road for such parking lot, at the Park Master Planned location for the Park Natural Discovery Area, located south of the new park entrance road.”

Condition #27 established a validity period for the first stage 37 months from the date of mailing of the opinion (July 26, 2006) or August 26, 2007.

The applicant has submitted an explanatory letter dated March 16, 2007, that outlines the reasons why an amendment to the parking lot completion date to April 30, 2008, is warranted. The letter points out that the location of the floodplain limit was not known when the Park Master Plan was approved. When the floodplain limit was determined, the location of the parking lot envisioned in the Plan needed to be moved, which resulted in delays to redesign. The letter also cites significant delays by the Park Permit section in issuing permits to access the property to perform the necessary soil boring tests on the land slated for the parking lot. Once soil borings were conducted, it was learned that there was shallow bedrock, which made the anticipated bio-retention stormwater management facility infeasible. This resulted in further delays to totally redesign the stormwater management concept.

The applicant's letter requests what amounts to a nine-month extension for the

completion of the parking lot by amending Condition #21. The applicant maintains that with the amended condition, the parking lot can, and will, be completed prior to the commencement of a significant portion of the site construction and well before any approved buildings are occupied, as intended by the Planning Board.

STAFF ANALYSIS AND FINDINGS

Staff acknowledges that the applicant has worked diligently to try and get the parking lot built prior to the limitations set in the conditions of approval. Staff agrees that the delays that occurred were unexpected and does not believe that an extension to April 30, 2008 is unreasonable.

CONCLUSION

Based on the findings discussed above, staff recommends approval of the preliminary plan amendment to modify previous Condition #21. All other conditions of approval as contained in the Planning Board Opinion dated July 26, 2004 remain in full force and effect.

Attachments:

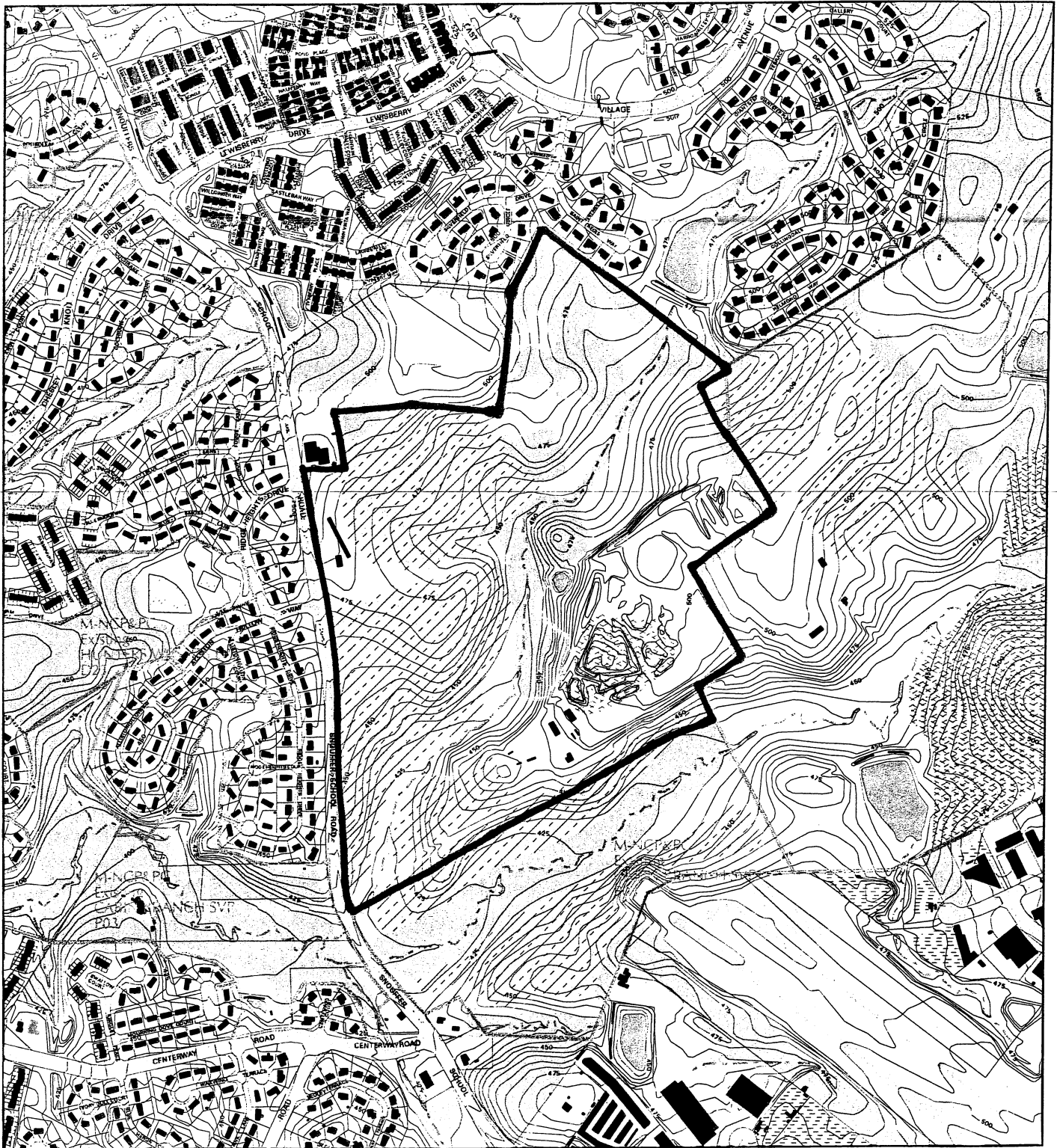
Attachment A – Site Vicinity Map

Attachment B – Approved Preliminary

Attachment C – Preliminary Plan Opinion dated July 24, 2004

Attachment D – Schematic of proposed parking lot

AIRPARK INDUSTRIAL PARK NORTH (1-04018)



Map compiled on July 09, 2004 at 12:46 PM | Site located on base sheet no - 227NW08

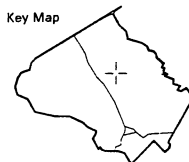
NOTICE

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Key Map



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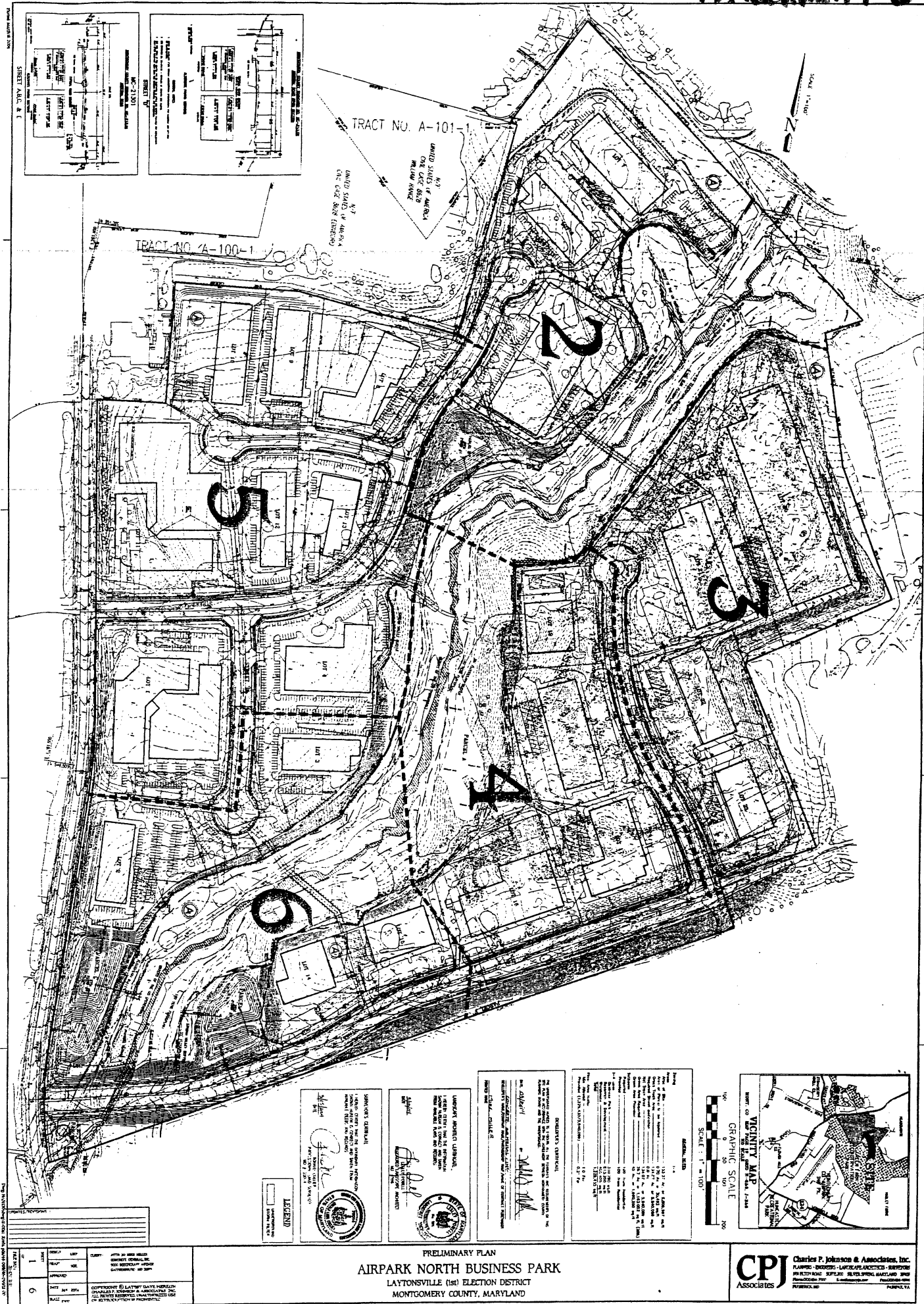
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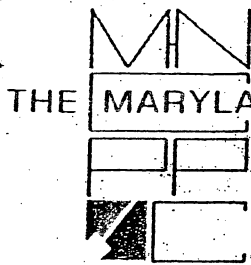
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1 inch = 800 feet
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MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue - Silver Spring, Maryland 20910-3760





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

Attachment "C"

Date Mailed: July 26, 2004

Action: Approved Staff Recommendation

**Motion of Comm. Wellington, seconded by
Comm. Bryant with a vote of 4-0;**

**Comms. Berlage, Bryant, Robinson and
Wellington voting in favor; Comm. Perdue
absent**

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-04018

NAME OF PLAN: North Airpark Business Park

On 09/11/03, Airpark North Business Park submitted an application for the approval of a preliminary plan of subdivision of property in the I-4 zone. The application proposed to create 23 lots on 134.07 acres of land. The application was designated Preliminary Plan 1-04018. On 07/15/04, Preliminary Plan 1-04018 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-04018 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-04018.

Approval, Subject to the Following Conditions:

- 1) As outlined in the Transportation Planning memorandum dated July 2, 2004 (Attachment C), limit the preliminary plan to up to 559,300 square feet of research and development office use, up to 247,626 square feet of business park use (i.e., generally light industrial and commercial office uses), and up to 461,285 square feet of warehouse use, or a combination of non-residential development with an equivalent number of weekday morning and evening peak hour trips.
- 2) Satisfy Local Area Transportation Review (LATR) at the intersection of Goshen Road and Centerway Road by constructing separate northbound and southbound Goshen Road right-turn lanes prior to release of building permits for the last 10% of the total approved development (i.e., or up to 1,141,390 square feet of the total 1,268,211 square feet). As an alternative,

contribute the equivalent cost of the intersection improvement to the anticipated future Montgomery County Department of Public Works and Transportation's (DPWT) Capital Improvements Program (CIP) project to widen Goshen Road between Odendhal Avenue and Warfield Road, if construction funding is readily anticipated prior to release of the initial building permits.

- 3) Satisfy LATR at two intersections along Snouffer School Road at Centerway Road and Alliston Hollow Way/proposed northwestern main site access point at Street "A" by widening Snouffer School Road from two to four through lanes with a fifth lane for a separate left-turn lane at the approaches to these two intersections.
- 4) Satisfy Policy Area Transportation Review (PATR) by widening Snouffer School Road from two to four through lanes from Centerway Road to Goshen Road with a fifth center lane for a separate left-turn lane approaching intersecting streets. Include a five-foot sidewalk with a landscaped street panel on the northeast side. A sidewalk on the southwest side of Snouffer School Road would take or damage existing mature trees and is not recommended.

The contract to reconstruct Snouffer School Road from two through lanes to four through lanes from Centerway Road westerly across the site frontage (including installation of traffic signals at the two site access driveways if determined to be warranted by DPWT) shall be let prior to release of the first building permit. The contract to construct the remainder of the Snouffer School Road widening from the western property line to Goshen Road shall be let at the earlier of either of two occurrences:

- a. Prior to release of building permits for 75% or more of the total approved development.
- b. Three years after the first building permit is released.

- 5) If determined to be warranted by DPWT, install traffic signals at two intersections along Snouffer School Road:
 - a. Existing Alliston Hollow Way/proposed northwestern main site access point at Street "A".
 - b. Existing access point to Green Farm Conservation Park/proposed southeastern site access point at Street "D".
- 6) Dedicate approximately eight feet of right of way for 80 feet from the opposite right-of-way line along Snouffer School Road and provide a five-foot sidewalk along the property frontage.
- 7) Provide a maximum of 30 bike racks with one or two racks at each of the 23 proposed buildings. The specific location of the bike racks is to be determined in coordination with Park and Planning's Bicycle Coordinator and DPWT.
- 8) Pay the transportation - development impact tax with credits for the cost of the transportation improvement described in Condition No's. 2, 3, 4 and 5 as legally permitted.

- 9) All road right-of ways shown on the approved preliminary plan shall be dedicated and constructed, by the applicant, to the full width mandated by the Master Plan, and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By _____" are excluded from this condition.
- 10) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
- 11) Compliance with the Montgomery County Department of Permitting Services (MCDPS) requirements for complex structures, as determined by MCDPS.
- 12) Record plat to reflect a Category I easement over all areas of forest conservation and stream valley buffers.
- 13) Access and improvements as required to be approved by MCDPWT prior to recordation of plat(s).
- 14) Compliance with conditions of MCDPS stormwater management approval letter dated, June 29, 2004.
- 15) On-site lighting plan to be submitted to MNCPPC staff prior to release of individual building permits that show conformance to Illuminating Engineers Society of North America (IESNA) standards. Light fixture to have zero cutoff and no light intrusion into neighboring residential properties.
- 16) Applicant to construct, at Applicant's expense, a paved entrance road to the Lois Green Conservation Park along the south side of the Applicant's property to extend from Snouffer School Road at a location approved by appropriate State, County and M-NCPPC transportation staff, into parkland and ending just past the current driveway entrance to the historic house. Limits of disturbance for the road grading and construction on Park property to be located outside of stream buffers, and applicable engineering plans to be approved by M-NCPPC staff. Both sides of the entrance road and any park areas disturbed by its construction to be planted and landscaped as approved by M-NCPPC staff with the goal of creating an aesthetically pleasing, park like entrance. Applicant's plantings to be maintained and guaranteed by Applicant for at least three (3) years.
- 17) Applicant to engineer, construct and maintain a stormwater management facility sufficient to accommodate stormwater from the constructed park entrance road, the southeast corner of Applicant's property, and the future parking area and improvements to be constructed by M-NCPPC on the portion of Green Conservation Park draining to this facility. M-NCPPC to supply Applicant with concept drawings adequate to determine the needed stormwater control capacity. Applicable engineering plans to be approved by M-NCPPC staff. Necessary easements to allow Applicant to maintain the portions of stormwater facility on parkland to be provided by M-NCPPC.

- 18) The entrance road's stream crossing to be constructed to minimize impacts on the stream and downstream aquatic resources.
- 19) Prior to the end of the validity period for the first stage, (see conditions #27), applicant to dedicate to M-NCPPC, the land that lies on the south side of the newly constructed park entrance road (not to include the stormwater facility proposed at the corner of the new road and Snouffer School Road, or RPZ).
- 20) Prior to the end of the validity period for the first stage, (see conditions #27), Park entrance monument and signage to be provided by Applicant and located at the corner of Snouffer School Road and the new park entrance road. Monumentation and signage to be approved by M-NCPPC staff.
- 21) Prior to the end of the validity period for the first stage, (see conditions #27), applicant to engineer and construct a paved parking lot, and an adequate entrance off of Snouffer School Road for such parking lot, at the Park Master Planned location for the Park Natural Discovery Area, located south of the new park entrance road.
- 22) Prior to the end of the validity period for the first stage, (see conditions #27), applicant to provide engineering and construction of an adequate stormwater management facility for such parking lot and entrance. Parking lot size, configuration and exact location to be determined by M-NCPPC staff but shall not be larger than 44 parking spaces. Design to include adequate turn around area for buses. All designs and engineering plans to be approved by M-NCPPC staff. If Applicant is unable to obtain the needed permits and approvals for such parking lot at this location, Applicant shall construct the parking lot on park property at a location off of the new park entrance road to be determined by M-NCPPC staff.
- 23) A plat of reservation for all lots and property affected by the RPZ for a period not to exceed three years to allow potential purchase by the Montgomery County Revenue Authority and/or Federal Aviation Administration (FAA).
- 24) Prior to recordation of plat(s) for Lots 14 through 17, relocation of Street "D" as shown on the approved preliminary plan, as necessary, to avoid the Montgomery County Airpark's Runway Protection Zone (RPZ), to the extent required by the Federal Aviation Administration or the Montgomery County Revenue Authority.
- 25) Prior to recordation of initial plat, applicant to provide staff with a copy of an executed agreement between the FAA and/or the Montgomery County Revenue Authority and applicant regarding the right to over flight, noise and vibration associated with the Montgomery County Airpark, and to address the other conditions as prescribed in the Revenue Authority's letter dated, July 8, 2004, as applicable.
- 26) Compliance with approved landscape plan for Snouffer School Road frontage
- 27) The Preliminary Plan will remain valid for one hundred forty-five (145) months from the date of mailing of the Planning Board Opinion. Record plats must be recorded in phases based upon the following schedule:

- Phase I (expires 37 months from the date of mailing of the Planning Board Opinion): 200,000 square feet of the approved density.
- Phase II (expires 73 months from the date of mailing of the Planning Board Opinion): 400,000 square feet of the approved density.
- Phase III (expires 109 months from the date of mailing of the Planning Board Opinion): 300,000 square feet of the approved density.
- Phase IV (expires 145 months from the date of mailing of the Planning Board Opinion): all remaining development.

Prior to the expiration period, the final record plat for all remaining lots within each phase must be recorded, or a request for extension must be filed.

28) The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for one hundred forty-five (145) months from the date of mailing of the Planning Board Opinion.

29) No plat(s) to be recorded prior to thirteen (13) months from the mailing date of the Planning Board opinion.

30) Prior to recordation of initial plat, applicant to resubmit landscape plan for the Snouffer School frontage to MNCPPC technical staff to address long term screening with overstory and understory of the buildings fronting on Snouffer School Road.

31) Concurrent with condition ^[#29] #30, MNCPPC to explore the purchase of, or easement on, Lot #7 to provide access for local neighborhood to Lois Green Farm Conservation Park.

32) Other necessary easements shall be shown on the record plats.

REFERS TO