



**Milestone: Preliminary Plan Amendment No. 11987271C and Site Plan Amendment No. 82001009E**

*cn* Calvin Nelson, Jr., Planner Coordinator, Area 3, [Calvin.Nelson@montgomeryplanning.org](mailto:Calvin.Nelson@montgomeryplanning.org) 301-495-4619  
*RAW* Richard Weaver, Supervisor, Area 3, [Richard.Weaver@montgomeryplanning.org](mailto:Richard.Weaver@montgomeryplanning.org) 301-495-4544  
*KRR* Kipling Reynolds, Chief, Area 3, [Kipling.Reynolds@montgomeryplanning.org](mailto:Kipling.Reynolds@montgomeryplanning.org) 301-495-4575

**Completed: 07/10/15**

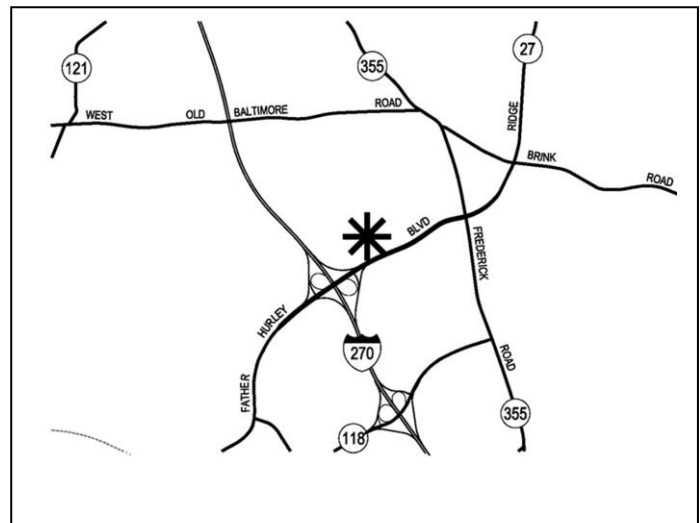
**Description**

**A. Milestone-Preliminary Plan No. 11987271C**

Request to amend the Preliminary Plan to introduce three multi-family residential buildings and project-serving retail into the current office park. Located on the north side of I-270, between Ridge Road and Dorsey Mill Road, 44.33 acres, CR2.0 Zone, C-1.75, R-0.5, H-125T, 2009 Germantown Employment Area Sector Plan.

**B. Milestone-Site Plan No.82001009E**

Request to amend the Site Plan to introduce three multi-family residential buildings and project-serving retail into the current office park. Located on the north side of I-270, between Ridge Road and Dorsey Mill Road, 44.33 acres, CR2.0 Zone, C-1.75, R-0.5, H-125T, 2009 Germantown Employment Area Sector Plan.



**Applicant:** W-M Milestone Holdings VII, LLC

**Filing Date:** February 25, 2015

**Review Basis:** Chapter 50, Chapter 59

**Summary**

- Staff recommends **approval** of Preliminary Plan 11987271C, and Site Plan 82001009E with conditions.
- The existing development was previously approved and developed under the I-3 and TMX-2 Zones. The amendments to the Preliminary Plan and Site Plan (including the existing development) have been reviewed and found to conform with the new Commercial Residential (CR) Zone.
- Using the standard method of development, the Applicant proposes to create a mixed-use project by introducing 485 residential units and adding up to 28,250 square feet of retail to the existing Milestone Business Park office development.
- The lot lines and right-of-ways are being revised to accommodate new roads, public spaces, and to ensure that buildings do not cross parcel lines.
- Staff has not received correspondence from notified parties.

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1. Statement of Justification from the Applicant
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3. Montgomery County Department of Permitting Services letter dated May 22, 2015
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5. Preliminary Plan
6. Site Plan
7. Public Open Space Plan
8. Forest Conservation Exemption letter dated February 12, 2015
9. Montgomery County Department of Housing & Community Affairs letter dated May 11, 2015

# SECTION 1: CONTEXT & PROPOSAL

## Site Vicinity and Description

The Milestone North property is approximately 44.33 acres in size and located in the northeast quadrant of the interchange of I-270 and MD 27 (Ridge Road). (“Property” or “Subject Property”) The Subject Property is zoned CR 2.0 and is within the North End District of the 2009 Germantown Employment Area Sector Plan (“Master Plan”). I-270 and MD 27 form the western and southern borders of the Subject Property. The Corridor Cities Transitway (CCT) right-of-way runs along the northern boundary of the site.

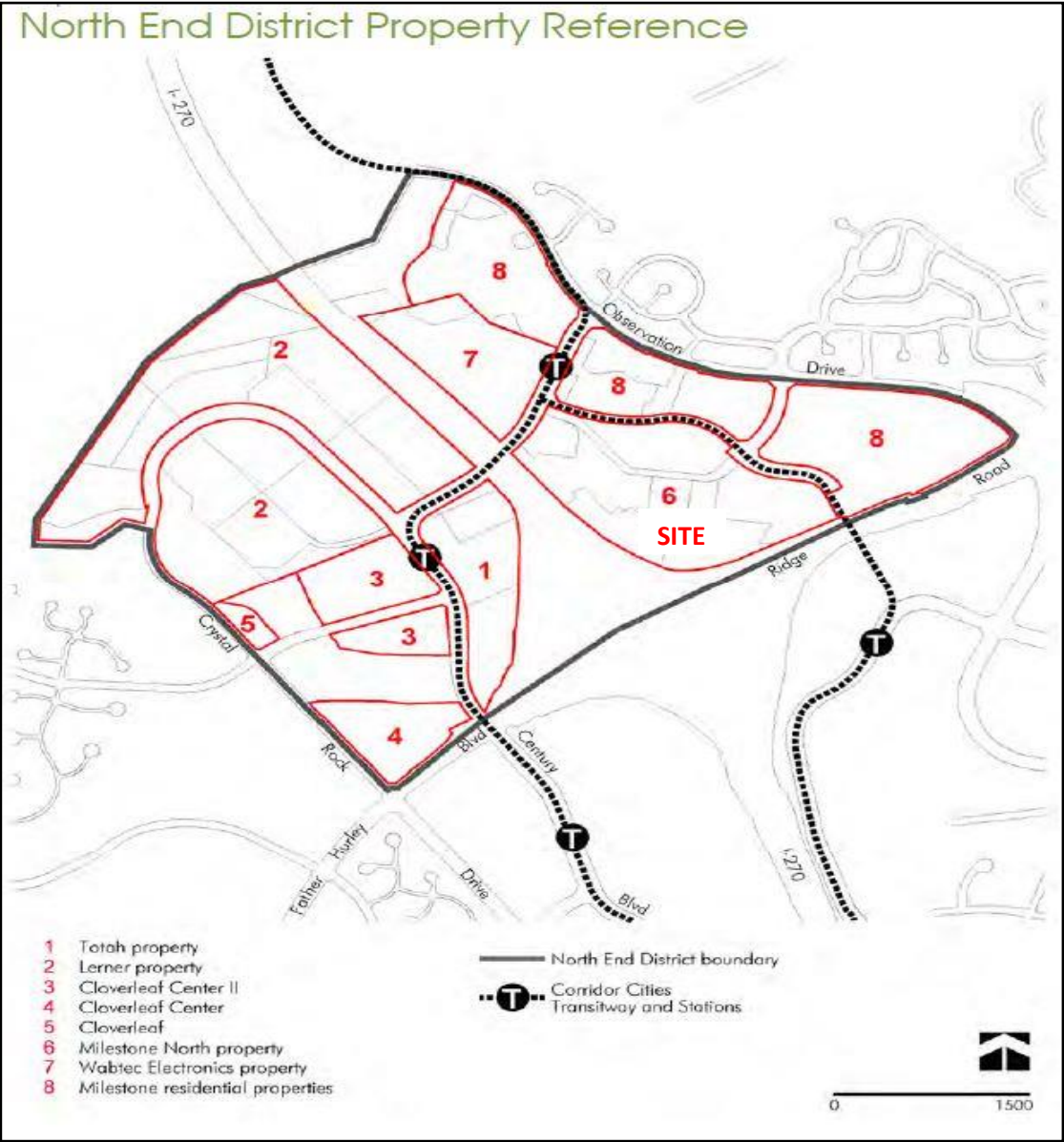


Figure 1: Germantown Sector Plan Map (p.64)

Single-family attached and multi-family residential development (zoned R-30) are located opposite the CCT right-of-way to the north, and an Extended Stay America Hotel is located on the Property's western boundary. Milestone Center Drive, a two-lane private street, runs through the center of the Subject Property. Vehicular access to the site is from Milestone Center Drive, which connects into Dorsey Mill Road (to the west) and Observation Drive (to the north). Observation Drive connects into Ridge Road. All vehicular site access to the Property is from Observation Drive/Milestone Center Drive and Observation Drive/Dorsey Mill Road are full movement. The Subject Property has no direct access points to Ridge Road and the current orientation of the buildings is inward facing with surface parking along the Ridge Road and I-270 frontages. An existing shared use path runs along the Ridge Road frontage, but there is no pedestrian access from the shared use path to the Subject Property.



Figure 2: Aerial Photo

### Site Analysis

The Subject Property currently contains four office buildings (Buildings 1, 2, 4 and 5) (See Figure 2) with a parking structure adjacent to Building 5, and other associated surface parking. The existing office, light industrial and retail uses total 645,000 square feet. The Subject Property has not yet reached its full allowable density, as Building 3 (approved for 252,250 square feet) has not yet been constructed. The approved Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) indicated that there are no known rare, threatened, or endangered species; nor are there any forests, 100-year floodplains, stream

buffers, wetlands, or steep slopes. The Property is not within a Special Protection Area (SPA), and there are no historic resources or features on site.

### **Previous Approvals and Zoning**

#### Preliminary Plan

The Subject Property is subject to the conditions of Preliminary Plan No.119872710, which was approved on July 11, 1996 (MCPB Resolution mailed July 22, 1996) for 6 parcels on 29.05 acres of land zoned I-3.

Amendment A was approved April 24, 2003 (MCPB Resolution mailed May 30, 2003) to extend the Adequate Public Facilities (APF) review for five (5) years beyond the expiration date for the remaining 627,250 square feet of office use which has not yet been constructed.

Amendment B was approved by the Planning Board on February 3, 2011 and granted a new validity period for the APF review that will permit the peak-hour vehicular trips associated with the remaining 427,250 square feet of office use, which has not yet been constructed. This approval extends the validity period for seven (7) years.

#### Site Plan

Site Plan No.819990230 was approved on July 1, 1999 (MCPB Resolution dated July 21, 1999) for 370,000 square feet of commercial/office space.

Site Plan No.820010090 was approved January 11, 2001 (MCPB Resolution dated January 17, 2001) for 822,700 gross square feet of office, 22,050 gross square feet of retail, 25,000 gross square feet of restaurant and 5,000 gross square feet of day care uses on 44.7 acres zoned I-3.

Consent Amendment A was approved April 12, 2007 (MCPB Resolution dated May 10, 2007) for minor modifications to the development phasing; adjustments to the net site area, building and green space square footages; reduction to the parking counts; and revisions to the loading, SWM, lighting and landscape plans.

Administrative Amendment B was approved December 12, 2008 (Memorandum dated November 24, 2008) for minor revisions to the lighting and landscape plans, SWM easement locations, and grading.

Administrative Amendment C was approved February 17, 2011 (Memorandum dated February 7, 2011) for modifications to the development programming to add another phase; reallocation of some of the density previously approved for Building 5 on Parcel J; the construction of Phase III Building 5 and associated parking facilities; revisions to the previously approved SWM concept, lighting and landscape plans; and support of a waiver for the standard parking dimensions directly adjacent to green space areas.

Administrative Amendment D was approved September 21, 2012 (Memorandum dated September 13, 2012) for modifications to building entrances; enlargement of generator pad and enclosure; elimination of monument signs; modifications to loading docks and garage entrances; designation of parking spaces for fuel efficient vehicles; and modifications to sidewalks and landscaping.

The original Preliminary and Site Plans were approved before the adoption of the 2009 Master Plan. The Master Plan rezoned the Subject Property from I-3 to TMX-2. The new Zoning Ordinance in effect October 30, 2014, rezoned the Subject Property from TMX-2 to CR2.0. However, Buildings 1,2,4 and 5 were grandfathered under the 1-3 provisions, and the following densities and uses were set forth in a series of amendments that were also approved under the I-3 provisions:

PARCEL			Square Feet (sf)
Parcel J	Building 5	Built	175,000 sf of office uses
Parcel K	Building 1	Built	130,000 sf of office and light industrial uses
Parcel L	Building 3	Not Built	252,250 sf of office, restaurant, retail and daycare uses
Parcel O	Building 2	Built	188,000 sf of office uses
Parcel P	Building 4	Built	162,000 sf of office uses approved, 152,000 sf built
Parcel F	Private Street	Built	Identified as Milestone Center Drive

**Community Outreach**

The Applicant has met all proper signage, noticing, and submission meeting requirements. Staff has not received correspondence on either application. On October 14, 2014, the Applicant held a meeting with the community to introduce the plan concept. The community had concerns with light spillage and excessive generator noise emanating from the Building 5 parking garage. Following this meeting, the Applicant revised its plans to address these concerns and a follow up pre-submission meeting was held with the community on January 14, 2015.

**SECTION 2: PRELIMINARY PLAN No. 11987271C**

**Recommendations and Conditions**

Staff recommends approval of Preliminary Plan No. 11987271C subject to the following conditions:

1. Approval under this Preliminary Plan is for 13 lots (parcels) allowing a maximum density of 1,214,935 square feet of total development including 645,000 sq. ft. office (existing), 485 new residential units, up to 28,250 square feet of retail, and parcels for a private street and open space. A minimum of 12.5% of residential units must be moderately priced dwelling units (MPDU's).
2. The Applicant must show on record plat, a reservation for a commuter parking lot with a minimum of 170 park and ride spaces on proposed Parcel KK. A use and maintenance agreement between the Applicant and Montgomery County, Maryland is to be recorded for the expense, design, and construction of the commuter parking lot.
3. The Record Plat must show Milestone Center Drive as a private street, recorded in its own parcel from Milestone Center Court to Dorsey Mill Road. The Record Plat must reference a public use and access easement to be recorded with Montgomery County Maryland over the entire parcel. The parcel must be recorded to the widths specified below.

- a. From Milestone Center Court to the proposed roundabout, Milestone Center Drive must be placed in a parcel that is a minimum 100 feet wide.
  - b. The roundabout on Milestone Center Drive must be placed in a parcel that is a minimum of 100 feet in diameter.
  - c. From the proposed roundabout to the proposed western garage entrances for Buildings 6 and 7, Milestone Center Drive must be placed in a parcel that is a minimum 60 feet wide.
  - d. From the proposed western garage entrances for Buildings 6 and 7 to Dorsey Mill Road Milestone Center Drive must be placed in a parcel that is a minimum 60 feet wide or wider as shown on the Preliminary Plan.
4. Milestone Center Drive must be constructed to the specifications as shown below:
  - a. From Milestone Center Court to the proposed roundabout, Milestone Center Drive must be constructed to the applicable MCDOT Road Code Standard MC-2005.04: Divided Business District Street Modified. The following elements will be contained within the property parcel for the private road: four 11-foot travel lanes, 8-foot parallel parking on both sides of the road, a 25-foot wide median, sidewalks, and a landscape area as shown on the Preliminary Plan.
  - b. The roundabout on Milestone Center Drive must be constructed as shown on the Preliminary Plan
  - c. From the proposed roundabout to the proposed western garage entrances for Buildings 6 and 7 Milestone Center Drive must be constructed to the applicable MCDOT Road Code Standard MC-2005.02: Business District Street Modified. The following elements will be contained within the property parcel for the private road: two 11-foot travel lanes, 8-foot parallel parking on both sides of the road, sidewalks, and a landscape area as shown on the Preliminary Plan.
5. The Applicant must satisfy the Adequate Public Facilities – Transportation Policy Area Review (TPAR) test by making a TPAR payment, equal to 25% of the applicable development impact tax, to the Montgomery County Department of Permitting Services at the time of building permit.
6. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated May 21, 2015, and hereby incorporate them as conditions of the Preliminary Plan approval, except for Comment #3. The internal private street must be built to a business district street standard as specified in these conditions. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, except Comment #3, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
7. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated May 22, 2015, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

8. The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Services (MCFRS) in its letter dated June 21, 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, which may be amended by MCFRS provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
9. Provide a minimum of 25 feet of vertical clearance from Milestone Center Drive to the pedestrian bridge linking Buildings 6 and 7 per the Washington Suburban Sanitary Commission (WSSC). This requirement may be amended by WSSC.
10. The Property is in the Clarksburg High School Cluster where, according to the FY 2016 Subdivision Staging Policy, there is inadequate classroom capacity at the high school and elementary school levels, therefore; a school facility payment will be required at these levels. The Applicant must make a school facilities payment to MCDPS at the multi-family residential, low-rise with structured parking unit rates, for all residential units for which a building permit is issued and a school facilities payment is applicable.
11. The Certified Preliminary Plan must contain the following note: *“Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height and lot coverage. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”*
12. Final approval of the number and location of buildings, MPDU’s, dwelling units, on-site parking, site circulation, sidewalks, and bike paths will be determined at Site Plan.
13. No clearing, grading or recording of plats prior to Certified Site Plan approval.
14. All necessary easements must be shown on the Record Plat.
15. The Adequate Public Facilities (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of this Planning Board Resolution.

### **Subdivision Proposal**

The Applicant has submitted Preliminary Plan Amendment designated No. 11987271C (“Preliminary Plan”) to reduce the total square footage of allowable office space, add 485 new residential units, allow 28,250 square feet of additional retail and to alter the parcel boundaries to accommodate the entrance road and public spaces and to ensure that no buildings cross parcel lines. The proposed changes will result in thirteen parcels (AA-MM) instead of six including one parcel (Parcel F) for Milestone Center Drive, a private street.



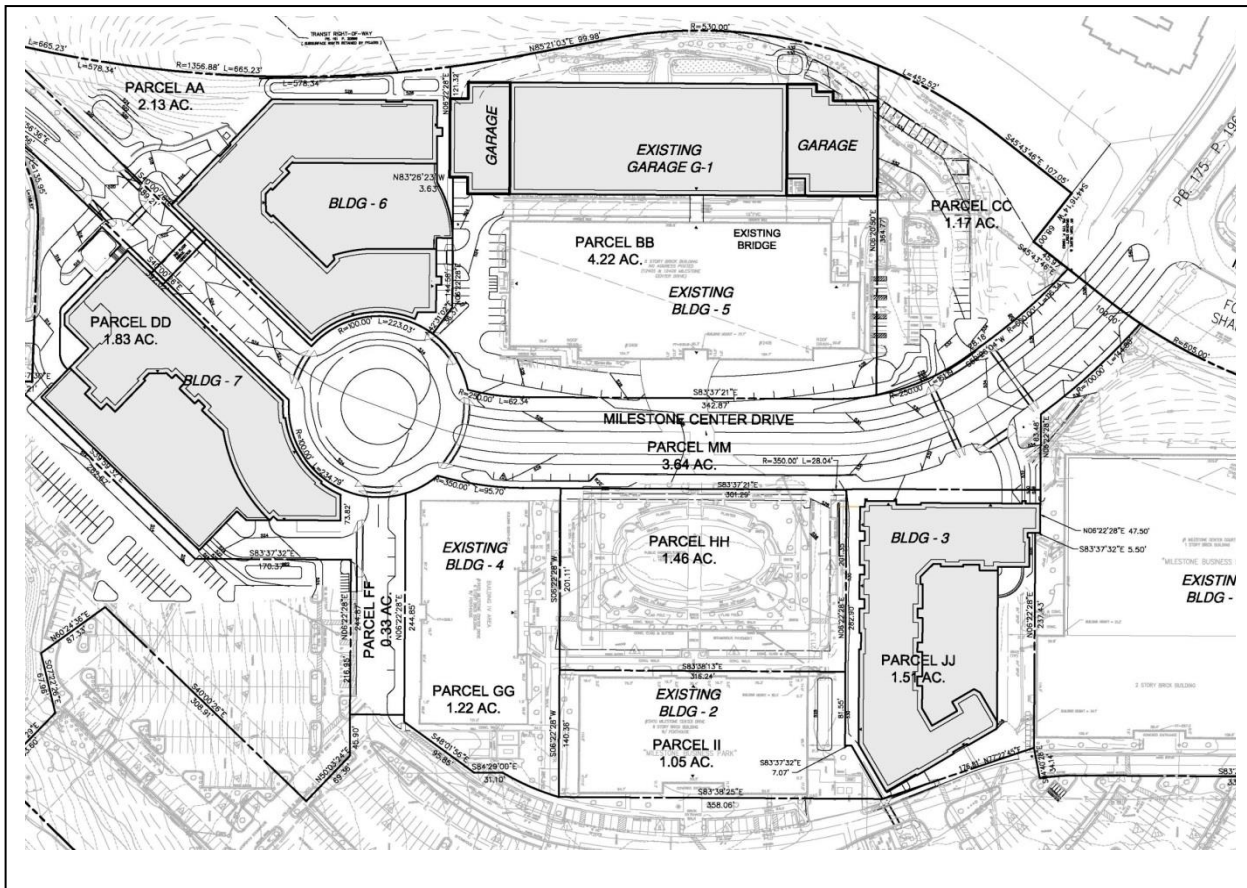


Figure 3: Preliminary Plan Core Area

## Master Plan Conformance

### Master Plan - Land Use

The proposed Preliminary Plan conforms to the recommendations in the 2009 *Germantown Employment Area Sector Plan*. This Preliminary Plan provides a substantial residential component and additional retail uses within the existing office development. The Subject Property is referred in the Master Plan as the Milestone North property. The Master Plan states that the Milestone Business Park will be expanded with new residential and retail uses, and that six-story office buildings will surround an urban courtyard within walking distance of existing and future residential units near Observation Drive. The Master Plan recommends that the Milestone North property be developed with an average density of 1.0 FAR, with a mix of research and development, employment, technology, street level retail, restaurants, and new housing, with up to 225 new multifamily housing units oriented to the existing residential areas. Residential uses are not to exceed 20% of the site.

The Applicant is requesting a total of 485 residential units with an FAR of 0.42, however given the overall allowed residential density of 531,685 square feet, the proposal constitutes approximately 19% of the Subject Property's allowed density which is under the limit of the Master Plan (20%). 192 of the new residential units are to be located in Building 6 which is oriented toward the residential uses adjacent to the northern portion of the Subject Property just south of the CCT Transitway, thus in

keeping with the Master Plan recommendation. The proposed residential and street level retail uses along with a redesigned central plaza will serve to create the urban mix of uses envisioned in the Master Plan.

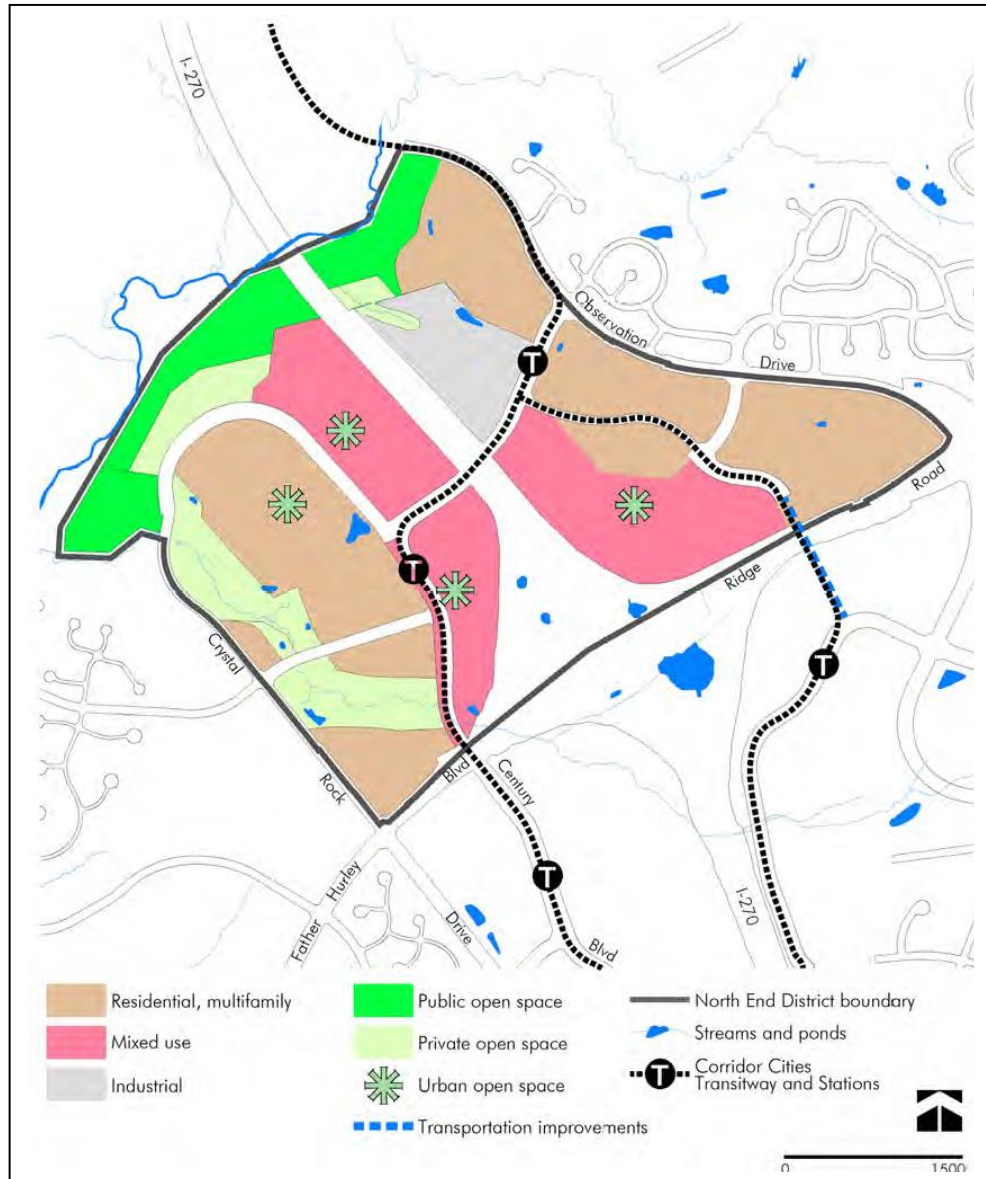


Figure 4: North End District Land Use – Sector Plan (p.62)

The Master Plan also recommends that the Milestone North property be rezoned from the I-3 Zone to the TMX-2 Zone to allow a mix of uses at the Dorsey Mill CCT station. The Master Plan envisions building heights of up to 125 feet along 1-270, which would be stepped down as buildings approach existing residential communities. Another recommendation is to provide green commons within the interior of the Milestone North Property. The Preliminary Plan creates a lot pattern that allows the central plaza to be framed with buildings and reconfigured with new landscaping, lighting and pedestrian orientated amenities. Future phases of development on the Subject Property not currently contemplated will focus

on development in the parking areas closest to I-270 and the entrance ramps. The Subject Property is also within the Germantown Transit Mixed Use Overlay Zone (GTMU). The overlay zone establishes the priority of Building Lot Termination (BLT) in the optional method of development for certain Germantown properties in the CR Zone. Because this is a standard method development, the GTMU does not apply.

#### Master Plan - Transportation Facilities

The 2009 *Germantown Employment Area Sector Plan*, and the 2005 *Countywide Bikeways Functional Master Plan* include the following nearby roadway/bikeway facilities:

- Ridge Road (MD 27): A controlled major highway (M-27) with six divided travel lanes (three in each direction) and a minimum right-of-way of 150 feet. The Bikeways Master Plan and Germantown Employment Plan both call for a shared use path (SP-68).
- Corridor Cities Transitway (CCT): A CCT alignment is shown traversing the north side of the site between Milestone Center Drive and Observation Drive. The line would connect with an east-west planned line on the west side of I-270 at the planned Dorsey Mill station that is located just to the north of the Milestone Center Drive/Dorsey Mill Road intersection. The transitway alignment that runs along the north side of the site is 50 feet in width. The easement area for the transitway has already been dedicated by the Applicant.
- Park and Ride Facility: The Master Plan calls for a 250 space park-and-ride facility on both the east and west sides of I-270 (pg. 65). The Applicant already has a recorded plat (No. 21774, note #9) that has reserved space for a 170-space park-and-ride facility on Parcel J. The Applicant has proposed to move the recorded easement, still on site, to Proposed Parcel KK, which is closer to Ridge Road. After a meeting with Montgomery County Department of Transportation (MCDOT), Montgomery County Ride-On, the Maryland Transit Administration (MTA), and Park and Planning, all staff agreed that this proposal is acceptable.

Ridge Road has already been fully dedicated and constructed to the ultimate cross section envisioned in the Master Plan, including the off-road shared use path (SP-68) along its north side. Previous dedications have also provided the right-of-way necessary for the eventual construction of the CCT along the northern and eastern borders of the Subject Property. The existing Record Plats for the Subject Property contain a reservation for a 170 space park and ride lot, and as part of this Preliminary Plan Amendment, it will be relocated on the site.

#### **Adequate Public Facilities**

##### Transportation

The Preliminary Plan has been evaluated by Staff, the Montgomery County Department of Transportation, the Montgomery County Department of Fire and Rescue Services, and the Maryland State Highway Administration, all of which support the transportation elements of the Preliminary Plan. Staff finds the proposed access to the site, as shown on the Preliminary Plan, to be adequate to serve the traffic generated by the development. Staff also finds that the internal and external pedestrian circulation and walkways as shown on the Preliminary Plans will provide adequate movement of pedestrian traffic and bicycle traffic.

##### *Local Area Transportation Review (LATR)*

The Preliminary Plan meets the requirements of the LATR in the LATR & TPAR guidelines. The Preliminary Plan is replacing 252,250 square feet of approved but unbuilt office space with 485

residential units and 28,250 square feet of retail that generates fewer total peak hour trips than the approved but unbuilt office development in both the AM peak hour (-171 trips) and the PM peak hour (-41 trips) (Table 1 below). Since the proposed uses generate fewer trips than the approved built office development, a traffic study is not required to be submitted. The threshold for an LATR review, according to the *LATR & TPAR Guidelines*, is 30 net new additional trips. The peak-hour trip generation estimate for the proposed development was based on trip generation rates included in the *LATR & TPAR Guidelines* and retrieval pass-by reductions were based on the *Trip Generation Manual (ITE, 9<sup>th</sup> Edition)*.

**Table 1: Site Trip Generation**

Development	Sf/Units	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
<b>Approved and Unbuilt</b>							
Office (M-NCPPC)	252,250 sf	366	55	421	62	301	363
<b>Proposed</b>							
Residential (M-NCPPC)	485 units	39	158	197	151	78	229
Retail (M-NCPPC)	28,250 sf	28	25	53	110	102	212
Pass-by (ITE) - PM-56%					-62	-57	-119
Total		67	183	250	200	123	322
<b>Net New Trips</b>							
		-299	128	-171	138	-179	-41

Transportation Policy Area Review (TPAR)

The Property is located in the Germantown East Policy Area. According to the 2012-2016 Subdivision Staging Policy, the Germantown East area is adequate under the roadway test but inadequate under the transit test; therefore, a TPAR of 25% of the General District Transportation Impact Tax is required.

Other Adequate Public Facilities

Other public facilities and services are available and will be adequate to serve the proposed development. The Subject Property is in water and sewer categories W-1 and S-1, respectively, and has access to existing public utilities; however WSSC commented that there needs to be 25 feet of vertical clearance from Milestone Center Drive where it passes under the Pedestrian Bridge linking buildings 6 and 7. Other utilities including electric and telecommunications services are adequate to serve the development. The Application has been reviewed by the Montgomery County Department of Fire and Rescue Service who have determined that the proposed development has adequate access for fire and rescue vehicles. Other public facilities and services, such as police stations, and health services are currently operating within the standards set by the Subdivision Staging Policy Resolution currently in effect.

School Capacity

The Subject Property is within the Clarksburg High School cluster area which has inadequate classroom space at the high school and elementary school levels. The Applicant must make a School Facilities Payment to MCDPS at the multi-family residential, low-rise with structured parking unit rates, for all residential units for which a building permit is issued and a school facilities payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

## Environment

### Environmental Guidelines

The development received a Forest Conservation Exemption (42015145E) on February 12, 2015, making the Preliminary Plan exempt from the applicable Forest Conservation requirements. A Natural Resources Inventory/ Forest Stand Delineation (NRI/FSD) for the Property was approved on December 20, 1996. This Property is not within a Special Protection Area and contains no wetlands or their buffers, 100-year floodplains, or rare, threatened or endangered species.

### Stormwater Management

MCDPS Water Resources Section, on May 22, 2015, found the stormwater concept for this site to be acceptable. The stormwater management concept proposes to meet required stormwater management goals via the use of micro-biofiltration, permeable pavement and existing downstream structural facilities. Staff finds that the Preliminary Plan complies with Chapter 19 of the Montgomery County Code.

### Subdivision Regulations and Zoning Ordinance

The size, width, shape, and orientation of the lot are appropriate given the location of the subdivision and in consideration of the recommendations in the Master Plan. The Preliminary Plan will create thirteen parcels (AA-MM) including a parcel for Milestone Center Drive. The size, width, and shape of the Subject Property is established by the I-270 interchange and the Corridor Cities Transitway and the parcel pattern is one that allows for an urban mix of uses envisioned in the Master Plan. Therefore Staff finds the Preliminary Plan meets the requirements of Chapter 50, Subdivision Regulations.

The Preliminary Plan meets the requirements of Chapter 59, the Zoning Ordinance. The proposed uses and density comply with the allowances of the CR Zone. The parcels are appropriately sized to allow the proposed uses to meet all building setback requirements within the Zoning Ordinance.

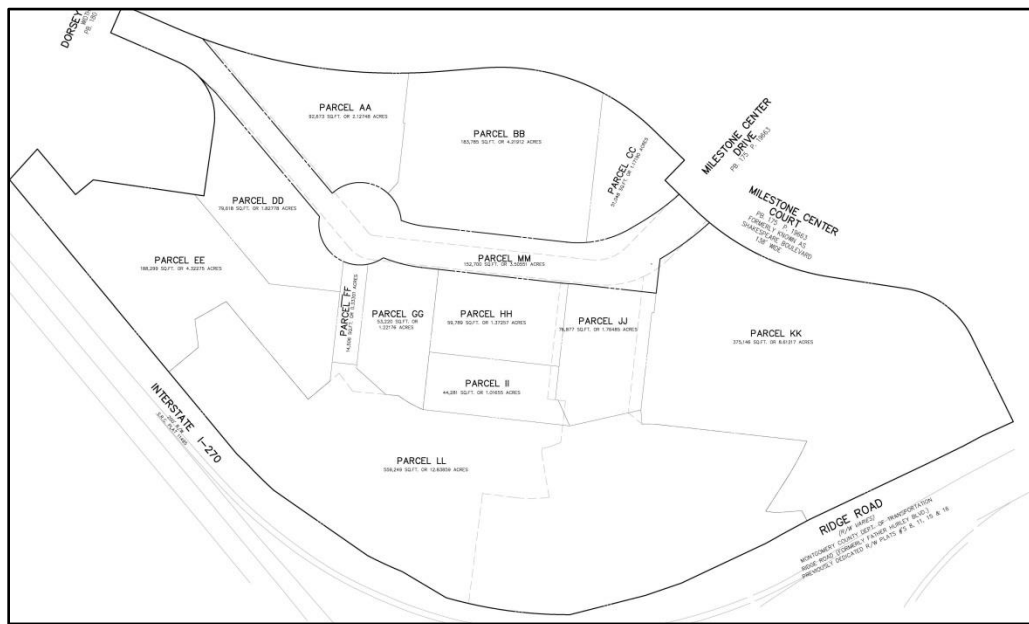


Figure 5: Parcel Plan

## SECTION 3: SITE PLAN No. 82001009E

### Recommendations and Conditions

Staff recommends approval of Site Plan No. 82001009E for up to 1,214,935 square feet of mixed-use development, including up to 485 residential units and up to 28,250 square feet of retail in three new buildings located on approximately 44.33 acres in the CR2.0 Zone, C-1.75, R-0.5, H-125T. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions:

1. Preliminary Plan Conformance  
The development must comply with the conditions of approval for Preliminary Plan No. 11987271C, as amended.
2. Site Plan Conformance  
The development must comply with the conditions of approval for the previous site plan approvals as listed in the Planning Board Resolution(s) unless amended.
3. Transportation
  - a. Prior to the release of Site Plan Surety, the Applicant must provide MCDPS Zoning & Site Plan Enforcement Staff with certification from a licensed engineer that Milestone Center Drive, a private street, and associated sidewalks have been built to the structural standards as specified in the Certified Preliminary Plan.
  - b. All internal sidewalks must be a minimum of five feet.
  - c. The Applicant must install a bike rack in the bike rooms in each of the three residential buildings with the ability to accommodate thirty bicycles in each building (90 total bicycle parking spaces). The bike rooms must be constructed in the area as shown on the Site Plan.
  - d. The Applicant must install short term public bicycle parking racks (inverted U or a design approved by the Department of Permitting Services) as indicated on the Site Plan.
4. Forest Conservation  
The development received a Forest Conservation Exemption (42015145E) (attached) on February 12, 2015, making the Property exempt from the applicable Forest Conservation requirements.
5. Public Use Space, Facilities, and Amenities
  - a. The Applicant must provide a minimum of 4.9 acres of public open space (11.3% of lot area) on-site.
  - b. Prior to the issuance of any use and occupancy certificates for the commercial development, all public use space areas on the Subject Property must be completed.
6. Recreation Facilities
  - a) The Applicant must provide at a minimum the following recreation facilities:
    - i. Twelve Picnic/Sitting areas;
    - ii. Two Swimming Pools;
    - iii. Three Indoor Community Spaces; and
    - iv. Two Indoor Fitness Facilities

7. Maintenance of Public Amenities

Maintenance of all on-site public use space is the responsibility of the Applicant and any successor(s) and assigns. This includes maintenance of paving, commuter parking, plantings, lighting, benches, fountains, and artwork. Maintenance may be taken over by a governmental agency by agreement with Applicant or any successor(s) and assigns and applicable agency. For the purpose of this condition, the term “Applicant and any successor(s) and assigns” means the owner or any successor(s) in interest to the Public Use Space that is responsible for common area maintenance, such as a homeowners association, a condominium association, or a merchants’ association.

8. Moderately Priced Dwelling Units (MPDUs)

The Planning Board accepts the recommendations of Department of Housing and Community Affairs (DHCA) in its letter dated May 11, 2015, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

a) The Applicant must provide 12.5 percent MPDUs on-site as shown on the Certified Site Plan consistent with the requirements of Chapter 25A and the Germantown Employment Area Sector Plan. Before issuance of any building permit for any residential unit(s), the MPDU agreement to build units in accordance with the Site Plan between the Applicant and the Department of Housing and Community Affairs (DHCA) must be executed.

9. Site Design

a) The final exterior architectural character, proportion, materials, and articulation must be substantially similar to the illustrative elevations shown on Sheets A-301, A301-A and A302 of the submitted architectural drawings dated April 14, 2015, as determined by M-NCPPC Staff.

b) Design building frontages/lobbies to provide two-way visibility for transit vehicles, shuttles and taxis.

c) Provide electric and water connections in outdoor settings to enable outreach events to be staged more readily.

d) Provide kiosks in busy outdoor areas to provide opportunity for information displays and assistance.

e) Provide concierge/reception desk with an area where transit information and pass sales can be transacted –e.g. obtaining transit information, loading of SmarTrip cards.

10. Lighting

a) Prior to issuance of any building permit, the Applicant must provide certification to M-NCPPC Staff from a qualified professional that the lighting plans conform to the Illuminating Engineering Society of North America (IESNA) standards for residential and commercial development.

b) All onsite down-lights must have full cut-off fixtures.

c) Deflectors must be installed on all fixtures causing potential glare or excess illumination.

d) Illumination levels must not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.

e) The street light height must not exceed 23 feet including the mounting base.

- f) On top of the parking structure adjacent to Building 5, the light pole height must not exceed 12 feet from the top of the roof surface including the mounting base.

11. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board. The Agreement must include a performance bond(s) or other form of surety as required by Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads, paths and associated improvements within the relevant phase of development. The surety must be posted before issuance of the any building permit within each relevant phase of development and will be tied to the development program.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by inspection and potential reduction of the surety.
- d) The bond or surety for each phase shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of each block/phase.

12. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a) Prior to release of the Use and Occupancy Certificate, the Applicant must obtain the necessary approvals for dedications, stormwater management, sediment and erosion control and other features to be implemented for each respective development phase.
- b) On-site amenities including, but not limited to, recreation amenities and public use space adjacent to each building, must be installed prior to the release of any Use and Occupancy Certificate for the respective building.

13. Prior to the approval of the Certified Site Plan the Applicant must provide drawings which show compliance with Section 59.6.2.9.D.1, Structured Parking Requirements (screening requirements).

14. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a) Include the final forest conservation exemption letter, stormwater management concept approval letter, development program, and Site Plan resolution in the Certified Site Plan set.
- b) Add a note to the Site Plan stating that "M-NCPPC Staff must inspect any tree-save area and protection devices before clearing and grading."
- c) Modify data table to reflect development standards approved by the Planning Board.
- d) Ensure consistency of all details and layout between Site and Landscape plans.



### Site Plan Proposal

This Site Plan proposal has been reviewed under the standard method of development using the Commercial Residential Zone. In conformance with the new CR2.0 Zone, this project will transform the existing office park into a mixed-use development by introducing up to 485 multi-family residential dwellings in three buildings and an additional 28,250 sq. ft. of retail uses. Milestone Center Drive and public use space will also be reconfigured in order to fully integrate the additional retail and new residential uses.

The 485 new dwelling units and 28,250 sq. ft. of retail are proposed in three new buildings: (See Figure 6)

- Building 3A: located in the center of the Property between Building 1 and Building 2; Comprising approximately 171,560 sf of residential (154 units) and 8,250 sf of street level retail
- Building 6: located on the western portion of the Property, north of Milestone Center Drive; Comprising 204,074 sf of residential (192 units) and 10,000 sf of street level retail
- Building 7: located on the western portion of the Property, south of Milestone Center Drive; Comprising 156,051 sf of residential (139 units) and 10,000 sf of street level retail



Figure 6: Illustrative Site Plan

The Applicant is proposes to construct the development in one phase, but the construction may be sequenced under the Adequate Public Facility validity period, at the discretion of the Applicant based upon the applicable market conditions. The Applicant will provide 61 MPDUs (approximately 12.5% of the total units), which will be distributed equitably throughout the three residential buildings. The residential buildings will have their own dedicated parking garages and loading docks. There will be a pedestrian bridge connecting Building 6 and 7 at the second floor level to allow the residents of Building 7 to use the swimming pool and other amenities located at Building 6. Residential parking entrances are located on the rear sides of each building. Convenient retail parking is contained within these garages and long Milestone Center Drive.

The existing Building 5 parking structure will be extended on both ends to provide 176 additional secure parking spaces for the exclusive use of the current building tenant, DRT Boeing.

### **Site Plan Analysis and Findings**

#### **Section 59.7.3.4**

**1. *When reviewing an application, the approval findings apply only to the site covered by the application.***

The approval findings discussed below, apply only to the site covered under this application.

**2. *To approve a site plan, the Planning Board must find that the proposed development:***

***a. satisfies any previous approval that applies to the site;***

The Applicant is submitting this application for concurrent Preliminary Plan Amendment and Site Plan Amendment approvals. This Site Plan Amendment is consistent with the substantive requirements in previously approved Preliminary and Site Plans and is in conformance with the Preliminary Plan Amendment being considered concurrently with this Site Plan. The Applicant is also requesting that existing development on the site approved under the former I-3 and TMX-2 zoning classifications be updated to be in conformance with the current Commercial Residential standards. The existing and proposed buildings are found to conform under Section 7.7.1.A of the Zoning Ordinance.

***b. satisfies under Section [7.7.1.B.5](#) the binding elements of any development plan or schematic development plan in effect on October 29, 2014;***

There are no previous approvals for a development plan or schematic development plan on the Subject Property.

***c. satisfies under Section [7.7.1.B.5](#) any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;***

The TMX-2 Zone applied to the Subject Property by the 2009 Master Plan and was applied by sectional map amendment, not local map amendment.

***d. satisfies applicable use standards, development standards, and general requirements under this Chapter;***

Use and Development Standards

The proposed development is in the CR2.0 Zone, C-1.75, R-0.5, H-125T. The following tables show the application’s conformance to the development standards of the CR Zone.

The Site Plan meets the development standards of Section 59-4.5.3, Commercial Residential - Standard Method Development, as shown in the Data Table below:

**Table 2: Site Plan Data Table  
Germantown Transit Mixed Use Overlay Zone<sup>1</sup>**

STANDARD	ALLOWED/ REQUIRED	PROPOSED
<b>1. SITE (4.5.3.C.1)</b>		
Area – Square Feet (SF)	N/A	1,931,190 SF
Dedications (SF)	N/A	937,327 SF
Tract (SF)	N/A	2,868,517 SF
Public Use Open Space (min. %)	10%	11.3%
<b>2. LOT AND DENSITY (4.5.3.C.2)</b>		
Lot area		
Density (max)		
Total Floor Area Ratio (FAR)	2.0 FAR	0.42 FAR
Total Square Footage (SF)	5,737,036 SF	1,214,935 SF
Commercial FAR	1.75 FAR	0.24 FAR
Commercial SF	5,019,906 SF	683,250 SF
Residential FAR	0.50 FAR	0.19 FAR
Residential SF	1,434,259 SF	531,685 SF
<b>3. PLACEMENT (4.5.3.C.3)</b>		
Existing Buildings (#1,2,4 and 5)		
Setbacks (min.) <sup>2</sup>	0 feet or N/A	See footnote 3 <sup>3</sup>
Parking Lots, Front	Behind front bldg. line	See footnote 3
Parking Lot, Side and Rear	6 feet	See footnote 3
Build-To-Area (BTA)		
Front Setback (max)	20 feet	See footnote 3

<sup>1</sup> Requires 50% of incentive density area to be obtained through BLT purchases for optional method projects – not applicable to this standard method project.

<sup>2</sup> Section 4.1.8 Compatibility Requirements do not apply because the property is separated from the confronting R-30 Zone by a transit right-of-way

<sup>3</sup> Existing buildings deemed conforming under Sec. 7.7.1.A.1 of Zoning Ordinance

Front Building in BTA (min.%)	70 %	See footnote 3
Side Street Setback (max.)	N/A	See footnote 3
Side Building in BTA (min. %)	N/A	See footnote 3
Multi-Use Buildings (#3A, 6 and 7)		
Setbacks (min)	0 feet or N/A	0 feet
Parking Lots (min.)		
Build-To-Area (BTA)		
Front Setback (max.)	15 feet	15 feet
Front Building in BTA (min. %)	70%	80%
Side Street Setback (max.)	15 feet	15 feet
Side Building in BTA (min. %)	35%	38%
<b>4. HEIGHT (4.5.3.C.4)</b>		
Maximum Building Height –Feet	125 feet	80 feet
<b>5. FORM (4.5.3.C.4)</b>		
Existing Buildings (#1,2,4 and 5) Entrance Facing Street or Open Space Entry Spacing (max.)	Required  100 feet	Proposed  See footnote 3
Transparency (Facing Street or Open Space)		
Ground Floor, Front (min.)	40%	See footnote 3
Ground Floor, Side/Rear (min.)	25%	See footnote 3
Upper Story (min.)	20%	See footnote 3
Blank Wall, Front (max.)	35 feet	See footnote 3
Blank Wall, Side/Rear (max.)	35 feet	See footnote 3
Multi-Use Buildings (#3A, 6 and 7) Entrance Facing Street or Open Space – Entrance Spacing (max.)	Required 75 feet	Proposed ≥75 feet
Transparency (Facing Street or Open Space)		
Bldg. 3: Ground Floor Frontage	60%	67%
Bldg. 3: Residential Floor (upper)	20%	36%
Bldg. 6: Ground Floor Frontage	60%	76%
Bldg. 6: Residential Floor (upper)	20%	35%
Bldg. 7: Ground Floor Frontage	60%	65%
Bldg. 7: Residential Floor (upper)	20%	39%

Requires 50% of incentive density area to be obtained through BLT purchases for optional method projects – not applicable to this standard method project. (Rebecca these footnotes need to be repeated again, as 1,2,3)

<sup>1</sup> Section 4.1.8 Compatibility Requirements do not apply because the property is separated from the confronting R-30 Zone by a transit right-of-way

<sup>1</sup> Existing buildings deemed conforming under Sec. 7.7.1.A.1 of Zoning Ordinance

The Site Plan meets the four Development Standards of Section 6.1.3, General Access Requirements listed below.

- Allow a vehicle, pedestrian, or bicycle to enter and exit the property to and from a street or an abutting site safely;
- Limit vehicle access across a primary pedestrian, bicycle, or transit route wherever feasible;
- Allow a vehicle to enter and exit any on-site parking area in a forward motion; and
- Allow a vehicle to access any pad site from within the site.

The Site Plan meets the Development Standards of Section 6.2.3.A, Calculations of Required Parking as shown in the Data Table below:

<b>PARKING SUMMARY</b>				
	REQUIRED		PROVIDED	
Building	(spaces)	Garage Parking	Surface Parking	Total Parking
1	390	-	395	<b>395</b>
2	564	-	577	<b>577</b>
3A	246	215	31	<b>246</b>
4	516	-	512	<b>512</b>
5	525	635	93	<b>728</b>
6	296	218	28	<b>246</b>
7	238	254	34	<b>288</b>
Park and Ride	179		179	<b>179</b>
<b>Total</b>	<b>2,953</b>	<b>1,322</b>	<b>1,849</b>	<b>3,171</b>

The Site Plan meets the Development Standards of Section 6.2.3.D, Motorcycle/Scooter Parking as shown in the Data Table below:

<b>MOTORCYCLE PARKING</b>		
	REQUIRED	PROVIDED
Building 3A	4	<b>5</b>
Building 6	6	<b>6</b>
Building 7	5	<b>5</b>

The Site Plan does meet the Development Standards of Section 6.2.3.D, Car-Share Spaces. Two shared parking spaces within the garage for Building 3A and three spaces provided for Building 7, which will serve both Buildings 6 and 7. Buildings 6 and 7 are connected by a pedestrian at the second floor level.

<b>CAR-SHARE SPACES</b>		
	REQUIRED	PROVIDED
Building 3A	1	2
Building 6	1	0
Building 7	2	3

The Site Plan meets the Development Standards of Section 6.2.3.E, Spaces for Charging Electric Vehicles by providing six EV charging stations. One charging station is required for every 100 parking spaces.

SPACES FOR CHARGING EV'S		
	REQUIRED	PROVIDED
Building 3A	2	<b>2</b>
Building 6	2	<b>2</b>
Building 7	2	<b>2</b>

The Site Plan meets the Development Standards of Section 6.2.3.F, Bicycle Parking as shown in the Data Table below:

BICYCLE PARKING		NUMBER OF SPACES	
		REQUIRED	PROPOSED
Buildings 3A, 6 and 7 (Residential Units*)	485 Units	100	<b>100</b>
Building #3A (Retail)	8,250 SF	1	<b>1</b>
Building 6 (Retail)	10,000 SF	1	<b>1</b>
Building 6 (Office)	10,000 SF	1	<b>1</b>
Total		103	<b>103</b>

\*Bicycle parking will be distributed proportionately among the three residential buildings and be accessible to all residents.

The Site Plan meets the Development Standards of Section 6.2.9. C, Parking Lot Requirements for 10 or more spaces.

The Applicant is not proposing changes to the existing surface parking areas (except for limited parking in the front of Building 5). Therefore the surface parking areas are deemed to be conforming under Sec.7.7.1.A.1 of the Zoning Ordinance.

General Requirement - Section 59.6.29.D Structured Parking Requirements

1. A structured parking garage must have a living green wall or public artwork along 50% of the ground floor of any garage wall facing a right-of-way, residential property, or open space.

See Section 3, Condition #13

2. The roof illumination of a structured parking garage must satisfy Section [6.4.4](#), General Outdoor Lighting Requirements, except:

- a. any lighting fixture located within 30 feet of the deck perimeter must be 15 feet or less in height; and
- b. any fixture located elsewhere on the deck must be 30 feet or less in height.

All lighting located on the top of the existing parking structure adjacent to Building 5 will be no more than 12 feet in height.

General Requirement - Section 6.3.5.B Common Open Space, Design Requirements

1. Common open space must be located in a central position or central positions in the neighborhood bordered by streets or building lots. It may be public or private. Common open space may also be placed in a location taking advantage of an important adjacent natural feature or open space.

2. The minimum width for any required common open space is 50 feet unless the deciding body grants an exception for items such as a trail easement, a mid-block crossing, or a linear park, by finding that its purpose meets the intent of Division [6.3](#).

3. A minimum 50% of the required common open space must be in one contiguous area or only separated by a residential street. Any other areas must be a minimum of 2,000 square feet each and connected by sidewalks, paths, or trails.

The Project is in conformance with the three requirements noted above. The existing 63,000 square-foot plaza will be transformed from a formal space to an informal multi-use space. This centrally located space is designed to accommodate a range of passive to active activities, and will include an interactive water fountain, a kiosk, seat walls, lawn areas and other features to create an attractive gathering space for the project. The reconfigured open space area will be framed by Buildings 2, 3A and 4 which will have retail and restaurants at the street level, helping to activate the space during daytime and nighttime hours.



Figure 7: Central Open Space

General Requirement - Section 6.3.8.C, Lighting

In public open space and amenity open space, illumination at the property line must be:

- a. 0.1 footcandles or less if the subject property abuts a property that is in an Agricultural, Rural Residential, or Residential zone that is vacant or improved with an agricultural or residential use; and
- b. 0.5 footcandles or less if the subject property abuts any other property, excluding street lights within the right-of-way.

Lighting is 0.5 footcandles or less along the northern property boundary which is adjacent to the 50-foot wide CCT right-of-way and the residential community. In addition to building lighting and accent lighting, the following types of lighting will be provided:

- Double-headed and single-headed decorative street lights, 23 feet in height.
- Bollard lighting in the central open space and pedestrian areas, 16 feet, and 40 inches in height.
- Parking garage (upper deck) lighting, 12 feet in height.

General Requirement - Section 6.3.9. Recreation Facilities

The Planning Board must adopt guidelines that detail the standards and requirements for recreation facilities. The guidelines must:

- A. be consistent with the purposes of this Chapter;
- B. be in addition to any standards, requirements, or rules in this Chapter; and
- C. establish the minimum standards for development of a property with more than 19 residential units.

As shown in the Data Table below, the development meets or exceeds the required demands. The Applicant’s plans show that twelve picnic/sitting areas; two swimming pools; three indoor community areas and two indoor fitness areas will be provided.

**DATA TABLE**

<b>RECREATION</b>						
<b>Demand Calculations</b>						
	<b>Number of Units</b>	<b>D1 Tots</b>	<b>D2 Children</b>	<b>D3 Teens</b>	<b>D4 Adults</b>	<b>D5 Seniors</b>
Hi Rise	485	19.4	19.4	19.4	373.5	223.1
Total Units	485					
Total Demand		19.4	19.4	19.4	373.5	373.5
On-Site Supply		20.0	32.6	47.3	732.2	425.6
% Demand On-Site		102.9	167.9	243.8	196.1	190.8
Off-Site Supply		0.0	0.0	0.0	0.0	0.0
Total On-Site & Off-site Supply		20.0	32.6	47.3	732.2	425.6
% Demand Met On + Off site		102.9	167.9	243.8	196.1	190.8



On-Site Supply Calculations									
Ref#	Description	No. Provided	D1 Tots	D2 Children	D3 Teens	D4 Adults	D5 Seniors		
4.0	Picnic/Sitting	12	12.00	12.00	18.00	60.00	24.00		
24A	Swimming Pool	2	1.69	6.31	6.31	148.23	53.13		
26A	Indoor Community Space	3	4.62	6.93	13.86	266.81	212.52		
27.0	Indoor Fitness Facility	2	0.00	3.08	3.08	118.58	53.13		
<b>Total</b>			<b>18.31</b>	<b>38.32</b>	<b>41.25</b>	<b>593.61</b>	<b>342.78</b>		



Figure 8: Recreational Amenities

***e. satisfies the applicable requirements of:***

***i. Chapter 19, Erosion, Sediment Control, and Stormwater Management; and***

The Site Plan is in conformance with Chapter 19, Erosion, Sediment Control and Stormwater Management. The Department of Permitting Services, in a letter dated May 22, 2015, accepts the stormwater management concept for the subject site. The stormwater management concept proposes to meet required stormwater management goals via the use of micro-biofiltration, permeable pavement and existing downstream structural facilities.

***ii. Chapter 22A, Forest Conservation.***

This development received a Forest Conservation Exemption (42015145E) on February 12, 2015, making the property exempt from the applicable Forest Conservation requirements.

***f. provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;***

The proposed development provides safe, well-integrated parking and circulation patterns. The three residential buildings will have their own integrated parking structures with parking also for street level retail in the buildings. The existing two-lane Milestone Center Drive will be widened to four lanes with a median with parking on both sides from Milestone Center Court to a proposed roundabout. Building massing is at a pedestrian-friendly scale with a reconfigured 63,000 square-foot central open space with a number of amenities.

Bicycle parking for the three new residential buildings will be provided with bike rooms located in the parking garage. Each residential building will have one bike room that can accommodate thirty bikes. The new residential buildings require 100 bicycle parking spaces. The balance will be provided outside of the buildings within close proximity of the main entrance. Bike racks will be provided on Milestone Center Drive, just to the west of the proposed roundabout and on Milestone Center Drive just to the west of the driveway entrance for proposed Building 3A. Milestone Center Drive will be reconstructed from Milestone Center Court to Dorsey Mill Road as part of this Amendment to match the boulevard section between the north Property line and Observation Drive. The road is currently designed as a two-lane road (one lane per direction) with parking on both sides.

The Applicant is proposing to a complete redesign of the road that will be built in two phases. The first phase is associated with this Amendment. The second phase will be constructed under a future development application. The first phase includes widening Milestone Center Drive from Milestone Center Court to a proposed roundabout that will be constructed at the driveway entrance located to the southwest of existing Building 5. The road will have four 11-foot travel lanes with on-street parking on both sides of the road from Milestone Center Court to the proposed roundabout. From the roundabout to Dorsey Mill Road the road will have two 11-foot travel lanes with on-street parking. Reconstructed Milestone Center Drive will use some of the existing sidewalks, mainly on the south side of the road from the proposed roundabout to Milestone Center Court, which is 6-feet wide. The new sidewalk in front of existing building 5 will be 6-feet wide to match the existing sidewalk on the south side of the road. The sidewalks in the roundabout and fronting the two residential buildings that frame the roundabout will vary in width but are predominately 15-feet wide. Phase two for Milestone Center Drive

will be the construction of a second roundabout at the southeast driveway to existing Building 5. This is predicated on building a new road connection to Ridge Road and a slight modification to the I-270/Ridge Road interchange. Phase two is not part of this application and will require a separate Planning Board approval as well as approval from Maryland State Highway Administration (MDSHA) and the Federal Highway Administration (FHWA).

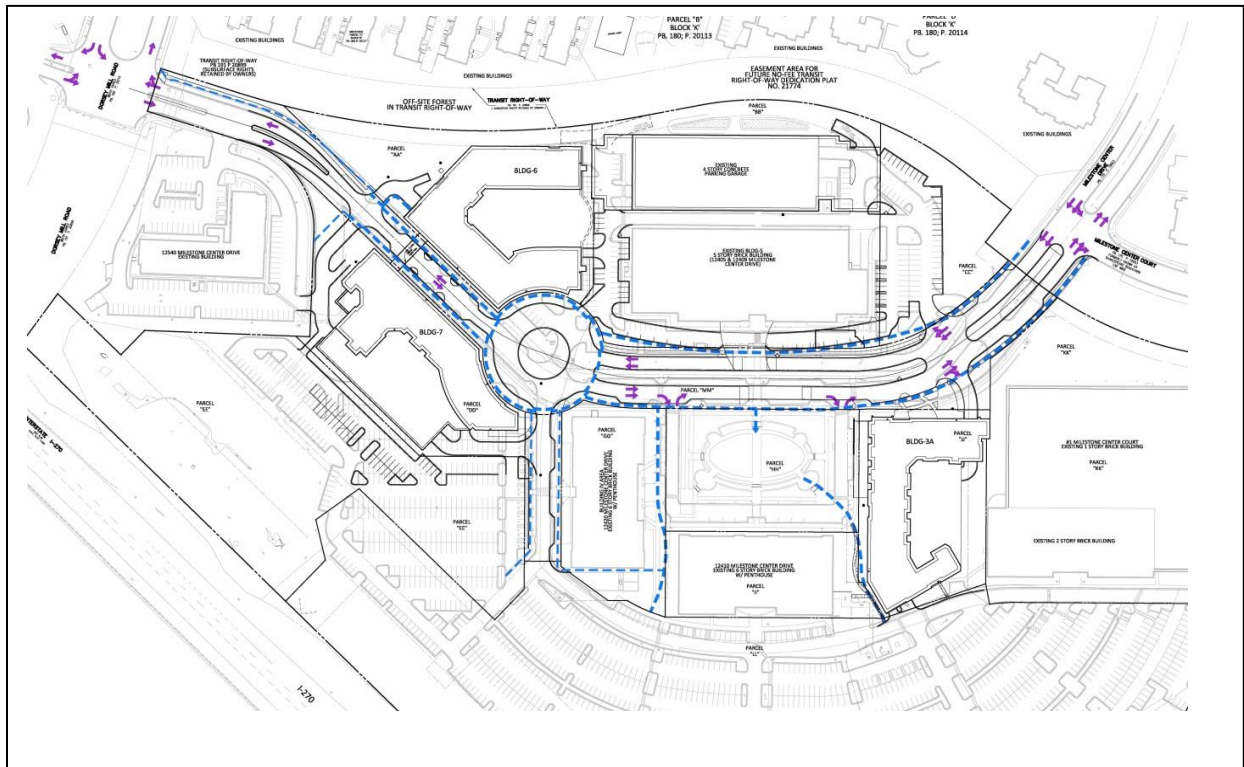


Figure 9: Circulation Plan

***g. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;***

The Site Plan is in substantial conformance with the Master Plan. The Master Plan recommends a mix of research and development, employment, technology, street level retail, restaurants, and new housing for the Milestone North Property. The introduction of 485 housing units and 28,250 square feet of retail in this amendment will create a more active, attractive and sustainable development.

***h. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less***

***than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;***

The development will be served by adequate public services and facilities. The available trip capacity is more than sufficient to accommodate the Milestone development. The Property will also be served by adequate public water and sewer systems, and other public services and facilities, including police and fire stations, are operating- and will continue to operate in accordance with the County's applicable growth policies with the completion of this project. The Property is in the Clarksburg High School Cluster where, according to the FY 2016 Subdivision Staging Policy, there is inadequate classroom capacity at the high school and elementary school levels, therefore: a school facility payment will be required at these levels. The Applicant must make a school facilities payment to MCDPS at the multi-family residential, low-rise with structured parking unit rates, for all residential units for which a building permit is issued and a school facilities payment is applicable.

Montgomery County Ride-On Route 83 provides bus service through the site on Milestone Center Drive. The route connects the Germantown MARC Station to the Holy Cross Germantown Hospital via Observation Drive, Seneca Meadows Parkway, Ridge Road, and Century Boulevard Monday through Friday with service every 30 minutes all day. The route is also in service on weekends but runs from the Holy Cross Germantown Hospital to the Germantown Transit Center. There is a bus stop in each direction on Milestone Center Drive that provides direct transit service to the site. As part of this application, the Applicant will work with Montgomery County Ride-On to upgrade the bus stops with shelters and move the stops as needed to provide to make the stops more convenient.

***i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood;***

Not Applicable.

***j. on a property in all other zones, is compatible with existing and approved or pending adjacent development.***

The development is compatible with the existing character of the residential neighborhood to the north and with the three-story hotel to the west. Currently there is a 50-foot wide wooded right-of-way for the CCT on the northern boundary of the Property that provides a buffer between the development and the neighborhood. No buildings will be taller than 80 feet in height, and similar to the existing buildings on the site, the proposed buildings will make extensive use of brick materials.

### **Design Guidelines**

The *Germantown Urban Design Guidelines* were approved in 2010. As stated directly within the document:

*With the exception of street standards and other specific recommendations included in the Sector Plan, the guidelines are not regulations that mandate specific forms and location for buildings and open space. They illustrate how plan recommendations and principles might be met, and encourage applicants to propose designs that create an attractive and successful public realm.*

The guidelines for the North End District – Milestone North, are listed in the following three categories:

1. Streets

- Provide boulevard, main street, greenway, or local street treatment where indicated in district diagram.
- Create an internal street with streetscape to facilitate circulation within the Milestone Business Park and define the existing Green Commons.
- Extend Dorsey Mill Road over I-270 to improve east/west access.
- Surrounding new development should provide pedestrian connections to the Dorsey Mill Transit Station.
- Locate limited retail uses along Milestone Drive, adjacent to the existing neighborhood green.

In conformance with the streets recommendations, the Applicant will reconstruct Milestone Center Drive from Milestone Center Court to Dorsey Mill Road in order to improve the overall circulation and enhance pedestrian connections. Milestone Center Drive will be converted into four lanes with on-street parking, sidewalks, a landscaped median, pedestrian-orientated lighting and a proposed landscaped roundabout. There is a bus stop in each direction on Milestone Center Drive that provides direct transit service to the site. As part of this application, the Applicant will work with Montgomery County Ride-On to upgrade the bus stops with shelters and move the stops as needed to provide to make the stops more convenient. A revised central open space also fronts onto Milestone Center Drive, a private road that runs through the middle of the site, and no buildings are more than 80 feet in height.

2. Open Space

- Locate public use spaces primarily along Milestone Drive, where they can be activated by adjacent retail uses.
- Locate neighborhood green defined by streets close to residential development.
- Create a privately developed transit station plaza.
- Create a transit sidewalk loop with special paving.

In conformance with the Open Space recommendations, the existing 63,000 square-foot central plaza that fronts along Milestone Center Drive will be redesigned to include an interactive water fountain, a kiosk, seat walls, lawn areas and other features to create an attractive gathering space for the project. Restaurants and other retail uses on the street level of Buildings 2,3A, and 4 will also further activate the central open space. A transit station plaza and a transit sidewalk may be provided at a later phase of this development.

3. Buildings

- Building setback: 25 feet minimum from curb along all streets
- Highest density and height should be around the existing commons along Milestone Drive and along I-270 interchange – maximum height 143 feet along I-270 and 125 feet along Milestone Drive.

In conformance with the buildings recommendations, although the proposed buildings are setback less than 25 feet from street along some of the street frontages, building setbacks range from a minimum of 15 feet (in accordance with the CR Zone) to about 21 feet where outdoor cafes and other retail may be located. Staff finds that setbacks in this range are appropriate for this development, allowing a variety of pedestrian-oriented activities to occur along the street edge. The highest density buildings are located along Milestone Center Drive but none of the buildings are over 80 feet in height.



Figure 10: Aerial View of Existing and Proposed Buildings



Figure 11: Perspectives of Proposed Residential Buildings

## CONCLUSION

The Preliminary and Site Plan Applications meet the requirements established by the CR2.0 Zone, C-1.75, R-0.5, H-125T, and substantially conforms to the recommendations of the *2009 Germantown Employment Area Sector Plan*. Staff recommends approval of the Preliminary and Site Plan, subject to the conditions contained in Section 2, pages 6-8, and Section 3, pages 14-16, of this report.

## ATTACHMENTS

1. Statement of Justification from the Applicant
2. Montgomery County Department of Transportation letter dated May 21, 2015
3. Montgomery County Department of Permitting Services letter dated May 22, 2015
4. Montgomery County Fire and Rescue Services letter dated June 21, 2015
5. Preliminary Plan
6. Site Plan
7. Public Open Space Plan
8. Forest Conservation Exemption letter dated February 12, 2015
9. Montgomery County Department of Housing & Community Affairs letter dated May 11, 2015

**Statement of Justification**  
**Milestone (formally known as “Milestone Business Park”)**  
**Application for Preliminary Plan Amendment and Site Plan Amendment**

**I. Introduction**

W-M Milestone Holdings VII, LLC (the "Applicant"), an affiliate of the Matan Companies, is the owner of a 44.33-acre property located on the north side of Interstate 270, between Ridge Road (on the east) and Dorsey Mill Road (to the west), within the Germantown Forward Sector Plan area (the “Property”). The Applicant is submitting applications to amend the approved Preliminary Plan (No. 11987271B) and Site Plan (82001009D) applicable to the Property (collectively, the "Amendments") and thereby introduce a meaningful mixed-use concept to the existing Milestone Business Park. The Property is currently improved with four buildings (Buildings 1, 2, 4 and 5) and has approved Site Plan density for a fifth building (Building 3) totaling 252,250 square feet.<sup>1</sup> The Amendments seek to convert this available density to residential and retail uses, in addition to achieving the following objectives:

- Construct three multi-family residential buildings;
- Expand an existing parking structure affiliated with Building 5;
- Modify internal Property circulation, public open space and landscaping as appropriate;
- Revise existing parcel boundaries to accommodate the proposed development;
- Rename the Property from “Milestone Business Park” to “Milestone”; and
- Clarify existing uses on the Property (collectively, the “Project”)

In addition, the Project seeks to confirm that the Property and all its current and future development features are subject to the CR Zone, which was recently applied to the Property. The Applicant is filing as a standard method Project and is seeking concurrent review by the Montgomery County Planning Board of the Maryland National Capital Park and Planning Commission (“M-NCPPC”) (the "Planning Board").

**II. Property Description**

The Property is currently subdivided into six parcels (F, J, K, L, O and P) and contains four office buildings (Buildings 1, 2, 4 and 5) with associated parking facilities. The buildings are arranged in a clockwise fashion around a large plaza area – beginning with Building 1 on the east and ending with Building 5 to the north. A 4-level parking structure is to the north of Building 5 and the balance of the Property is taken up with surface parking.

Access to the Property is from Milestone Center Drive (also identified as Parcel F), which bisects the Property from east to west and provides an alternate connection from Observation Drive to Dorsey Mill Drive. The Property is in close proximity to a planned transit

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<sup>1</sup> Note that the actual available density is 253,000 per Preliminary Plan 11987271B, which established the applicable density limit.



station for the Corridor Cities Transitway (“CCT”) near the intersection of Dorsey Mill Road and Milestone Center Drive. As such, a 70-foot transitway easement marks the northern Property boundary and also serves as a buffer to the townhouse community on the other side.

### **III. Prior Approvals**

The Property was originally approved and developed under the I-3 zoning standards. Buildings 1, 2 and 4 were built when the Property was zoned I-3. Building 5 was approved and built after the Property was rezoned to the TMX-2 Zone via the Germantown Forward Sector Plan (the “Sector Plan”). Pursuant to generous grandfathering provisions, this building followed the I-3 zoning standards. The current approvals for the Property are set forth in a series of Preliminary Plans (Nos. 11987271A-B) and Site Plans (Nos. 82001009A-D) resulting in the following assigned and currently valid densities and uses:

Parcel J (Building 5) – 175,000 sf of office uses

Parcel K (Building 1) – 130,000 sf of office and light industrial uses

Parcel L (Building 3) – 252,250 sf of office, restaurant, retail and daycare uses

Parcel O (Building 2) – 188,000 sf of office uses

Parcel P (Building 4) – 162,000 sf of office uses

As noted in Section II, Parcel F is a private street that runs east-west through the Property and is identified as Milestone Center Drive. Buildings 1, 2, 4 and 5 have already been constructed. This leaves a residual approved density of 252,250 square feet for the Milestone Project under the current approvals.

### **IV. Project Description**

#### **a. Development Program**

The Applicant proposes to further develop the Property as a mixed-use center by introducing multi-family residential buildings and project-serving retail into the current office park. This is a standard method CR Project, which also seeks to update the existing I-3 zoned development to current CR standards. As a result, the entire Property, including any future development, will be evaluated under a uniform zoning scheme. The proposed buildings include the following:

Building 3A (located in the center of the Property between Building 1 and Building 2)

- Comprising approximately 171,560 sf of residential (154 units) and 8,250 sf of street level retail

Building 6 (located on the western portion of the Property to the south of Milestone Center Drive)

- Comprising 204,074 sf of residential (192 units) and 10,000 sf of street level retail

Building 7 (located on the western portion of the Property to the north of Milestone Center Drive)

- Comprising 156,051 sf of residential (139 units) and 10,000 sf of street level retail

The Project features will be developed in one phase, but may be sequenced at the discretion of the Applicant based upon the applicable market conditions. The Applicant will provide Moderately Priced Dwelling Units (MPDUs) in the amount of approximately 12.6% of the total units, which will be disbursed equitably throughout the residential buildings. All three residential buildings will have their own dedicated parking garages and loading docks. Residential parking entrances are located on the rear sides of each building. Convenient retail parking is contained within these garages and along Milestone Center Drive.

The Building 5 Parking structure will also be enlarged to the east and south to provide exclusive and secure parking for the building tenants, currently DRT Boeing. In addition, efforts will be made to better obscure the garage from adjacent residential neighbors, including a new screening feature, revised lighting and a generator enclosure.

As part of the proposed Project, the plaza area will be converted into a pedestrian-focused, multi-use greenspace. This area is envisioned as a central green that could host a variety of activities throughout the year. The proposed design includes a combination of decorative pavements, water fountain, seat walls, lawns and tree-covered zones to create a welcoming environment for both large and small gatherings. Another site amenity is a bike and jogging loop around the Property and proposed pedestrian connections to the surrounding community. To this end, the Applicant will work with Planning Staff to explore ways to activate the transit easement area.

The project proposes to widen Milestone Center Drive to match the boulevard section between the north Property line and Observation Drive. This will also accommodate the elimination of most of the parking lot in front of Building 5, which will be replaced by a combination of green space and new street parking. A new traffic circle is planned in the northwest quadrant of the Property to provide a centralized distribution point for incoming vehicle traffic.

#### **b. Update of Existing Development**

The proposed development scheme requires a redrawing of parcel boundaries to accommodate the enhanced entrance road and public spaces and to ensure that no buildings cross parcel lines. The proposed changes will result in thirteen parcels (AA-MM) instead of six. The Amendments also seek to change the Property name to simply "Milestone" in appreciation of the mix of uses that is being introduced to the Property. The current name, "Milestone Business Park," would be misleading and not reflective of the site's new direction. Lastly, the Amendments will show that 10,000 square feet of office use in Building 4 has been converted to retail use.

**c. Gross Tract Area**

The net lot area for the Property is 44.334 acres (1,931,190 sf). As previously discussed with Planning Staff, there are significant prior dedications associated with the Property and the Gross Tract Area is approximately 65.85 acres (2,868,517 sf). This information has been reviewed and confirmed by the Project’s land surveyor, VIKA, Inc., and a GTA Exhibit showing their findings is submitted with the Amendments.

**d. Zoning and Permitted Uses**

Consistent with the recent comprehensive rezoning for the County, the Property was rezoned from the TMX-2 Zone to the following new zoning classification:

*CR-2.0, C-1.75, R-0.5, H-125 T (Commercial Residential)*

The Property is also subject to a new overlay zone, the Germantown Transit Mixed Use Overlay Zone (“GTMU”), which is singularly designed to establish the priority of Building Lot Termination (“BLT”) in the optional method of development for certain Germantown properties in the CR zone. Because this is a standard method Project, the GTMU does not affect these applications.

The CR zone permits office, commercial, residential, hotel, restaurant uses and structured parking. A retail sales/service establishment use is permitted if individual establishments are less than 50,000 square feet.

As indicated on the Site Plan Amendment’s “Development Tabulations” table, the Project and the existing development comply with all the applicable CR Zone development standards. We note that certain build-to areas and forms of the existing development, which were approved under the I-3 Zone, do not meet CR Zone standards contained in Section 4.5.3.C.3 and 5 of the Zoning Ordinance. These modest deviations are deemed conforming under Section 7.7.1.A of the Zoning Ordinance and, as such, the entire Property may be unified under one zoning scheme.

**e. Architecture and Design**

The three new residential buildings (Buildings 3A, 6 and 7) are designed as “podium” style structures consisting of two-story bases with five stories above. The proposed height for all three buildings is eighty feet. The podium of each building will feature residential lobby entrances and retail spaces along the street frontage. The roofs above the podiums will provide outdoor landscaped recreation areas for each building. Building 3A will have its own swimming pool and Buildings 6 and 7 will share one. As per Planning Staff’s recommendation, there will be a bridge between Buildings 6 and 7 to allow for easy access to shared amenities, such as health clubs, media rooms and party rooms and to provide more convenient sharing and utilization of parking between the two buildings.

The exterior architecture of the residential buildings will be complementary to the existing brick-faced office structures. The design will be contemporary in nature and include two-color brick facades accented with cement wall panels and metal trim. Windows and storefronts will be glazed with energy efficient clear insulating glass. The exterior walls of parking garages will also be brick. There will be a variation in window sizes and shapes, along

with three-dimensional layers of the façade materials and balconies, to break up the building mass and promote an inviting streetscape environment.

## **V. Sector Plan Conformance**

The Property is located within the Germantown planning area. As per the Sector Plan, the Property is located in the North End District, one of seven different development districts in the Sector Plan. The North End District extends across both sides of I-270 and is bounded on the southeast by Father Hurley Boulevard/Ridge Road and on the northwest by the Sector Plan limits. The existing Milestone Business Park is specifically referred to as the “Milestone North Property.”

The Sector Plan recommends a mix of research and development, employment, technology, street level retail, restaurants, and new housing for the Milestone North Property. Notably, the Sector Plan contemplates a 1.0 Floor Area Ratio (“FAR”) for the Milestone North Property, with up to 225 new multifamily housing units on the northern portion of the Milestone North Property and maximum residential uses of 20% of the site. The Sector Plan contemplates building heights of up to 125 feet along I-270, which would be stepped down as buildings approach existing residential communities. An additional recommendation is to provide green commons within the interior of the Milestone North Property.

The Project responds to the Sector Plan's goals and objectives as follows:

1. USES. The Project will introduce residential and additional retail uses to the Property as a complement to the existing primarily office and light industrial uses. These new uses meet the Sector Plan’s recommendation for a mix of specific uses.
2. FAR. The total density for the contemplated Project, including existing density, is .42 FAR (1,214,935 sf of proposed development ÷ 2,868,517 GTA). This is well below the contemplated Sector Plan limit.
3. RESIDENTIAL. Building 6 is located on the northern portion of the Property and proposes 192 residential units. The overall proposed residential density of 531,685 sf constitutes approximately 19% of the Property. As such, the Project is consistent with the Sector Plan’s residential recommendations.
4. HEIGHTS. The proposed building heights for Buildings 3A, 6 and 7 are 80 feet. All Property heights are below the 125-foot limit and are appropriate in relation to the residential communities to the north.
5. GREEN COMMONS. The Project plans to convert the current office plaza area into an attractive, pedestrian-friendly green open space. This is a hallmark of the Project and precisely what the Sector Plan envisioned.

## **VI. Zoning Ordinance Conformance**

Section 4.5.1 of the Zoning Ordinance states that the CR Zone "permit[s] a mix of residential and nonresidential uses at varying densities and heights. The zones promote economically, environmentally, and socially sustainable development patterns where people can

live, work, recreate, and access services and amenities." The Project responds to the specific objectives of the CR Zone as follows:

*1. Implement the recommendations of applicable master plans.*

The Project, as described in Section IV above, substantially conforms to the recommendations of the Sector Plan. Specifically, the Project introduces complementary uses and provides enhanced public use spaces and amenities, as well as significant improvements to the pedestrian environment.

*2. Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses.*

The existing office park is a vestige of an older, car-centric development philosophy. The Project offers the opportunity to modernize and activate the campus with new uses and a pedestrian focus. The Applicant envisions that the Project will encourage future suburban to urban redevelopment momentum that, over time, will result in the elimination of the surface parking areas to the south of the Property.

*3. Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.*

The Project provides a mixed-use, transit-oriented development that is appropriate for the area and will also accommodate the future CCT line serving the site. The Project will meet the needs of workers, shoppers and residents of the area by providing a variety of housing and retail opportunities in close proximity to existing offices and residential communities. The Project will convert many existing and planned surface parking spaces into street-activated mixed use structures. Additionally, the streetscape improvements along Milestone Center Drive, in conjunction with the new green commons, will promote a welcoming pedestrian environment that has been lacking in the current development.

*4. Allow a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.*

As discussed above, the Property is surrounded by various residential uses. The Project will provide new multi-family housing opportunities in close proximity to future transit, which will complement the surrounding residential and office. The surrounding properties are separated from the Property by Observation Drive, Ridge Road and a sizable transit easement. As such, the 80-foot heights proposed on the Property will fit into the existing character of the area. The architecture and design of the Project also complement the existing structures on the Property.

*5. Integrate an appropriate balance of employment and housing opportunities.*

The Project provides a desirable mix of uses that will support the existing surrounding uses. The proposed residential development will provide additional housing opportunities for

those who work at the current office park. The various retail uses will also provide convenient dining and shopping opportunities to residents and employees at the Property.

*6. Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.*

The Project is a standard method application that will not require optional method public benefits. However, the Project provides significant public benefits in the form of enhanced pedestrian connectivity, vastly improved streetscape and a centralized gathering area.

## **VII. Findings Required for Preliminary Plan Amendment**

The purpose of this portion of the Statement is to provide justification that the Preliminary Plan Amendment satisfies the applicable provisions of Chapter 50 of the Montgomery County Code (the "Subdivision Regulations").

### **A. Subdivision Regulation Compliance**

The Preliminary Plan Amendment indicates that the size, width, shape and orientation of the proposed reconfiguration of parcels will be appropriate for the location and proposed development.

### **B. Sediment Control/ Water Quality**

The Project will comply with the requirements of Chapter 19 of the Montgomery County Code. Applicable requirements under Chapter 19 are addressed in a Concept Stormwater Management Plan submitted to the Montgomery County Department of Permitting Services ("DPS") for review. This Property is not in a Special Protection Area, so no separate water quality monitoring plan is required. A Sediment and Erosion Control Plan will be submitted to DPS for their approval prior to commencement of construction.

### **C. Adequate public facilities**

The public facilities will be more than adequate to accommodate the proposed development. On March 15, 2011, the Property obtained approval for 428,000 square feet of office density (see Preliminary Plan 1987271B), in addition to the 480,000 square feet of then-existing development (*i.e.*, Buildings 1, 2 and 4). Building 5 utilized 175,000 square feet of this capacity, which leaves available density for 253,000 square feet of office uses. The proposed Project seeks to convert the trips associated with this density into 485 residential units and 28,250 square feet of new project-serving retail. As per the traffic statement submitted with this application, the available trip capacity is more than sufficient to accommodate the Project.

The Project will be served by public water and sewer systems. Electric, gas and telecommunications services will also be available. Other public facilities and services – including police stations, firehouses, and health care facilities – are currently operating in accordance with the County's applicable growth policies and will continue to be sufficient

following construction of the Project. Therefore, the public facilities will be more than adequate to support and service the new development areas of the proposed Project.

#### **D. Relation to Master Plan**

The Project's conformance with the Sector Plan is addressed in Section V above.

#### **E. Forest Conservation**

As per M-NCPPC letter dated September 16, 1993, the Property was deemed exempt from the applicable Forest Conservation Ordinance under Section 22A-5(k) of the Ordinance. As such, the Project is exempt from the applicable Forest Conservation requirements. The Applicant has requested confirmation of this through a letter dated January 23, 2015, a copy of which is submitted with the Amendment applications. A Natural Resources Inventory/ Forest Stand Delineation ("NRI/FSD") was prepared for the Property and was approved on December 20, 1996.

### **VIII. Findings Required for Site Plan Amendment**

The purpose of this portion of the statement is to provide justification that the Site Plan Amendment satisfies the applicable provisions of Section 7.3.4 of the Zoning Ordinance, governing the approval of a site plan application. Section 7.3.4.E establishes the findings required for approval of a site plan application. As set forth below, the Site Plan Amendment satisfies each requirement of Section 7.3.4.E:

- a. The proposed development satisfies any previous approval that applies to the site, including any development plan or schematic development plan in effect on October 29, 2014.*

The Applicant is submitting this application for concurrent Preliminary Plan Amendment and Site Plan Amendment approvals. This Site Plan Amendment is consistent with the substantive requirements in previously approved Preliminary and Site Plans.

- b. The proposed development satisfies applicable use standards, development standards, and general requirements in the Zoning Ordinance.*

As described above, the vast majority of the Site Plan complies with the development standards for the CR Zone, as well as the general requirements contained in the Zoning Ordinance. Certain elements of the current development (approved under a prior zone) do not fully comply with CR Zone standards. However, they are deemed to be conforming pursuant to Section 7.7.1.A.1 of the Zoning Ordinance.

- c. The proposed development satisfies the applicable requirements of Chapter 19, Erosion, Sediment Control, and Stormwater Management, and Chapter 22A, Forrest Conservation.*

Compliance with applicable requirements of Chapter 22A and Chapter 19 is discussed in Section VII above.

- d. The proposed development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.*

As thoroughly discussed above, the Site Plan is designed to ensure the adequacy, safety and efficiency of the overall development.

- e. The proposed development substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

As discussed in detail in Section V above, the project is in substantial conformance with the goals and recommendations contained in the Sector Plan.

- f. The proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

As discussed in section VII above, there are adequate public services and facilities to support the Project.

- g. Proposed development on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood.*

This provision is not applicable.

- h. The proposed development is compatible with the existing and approved or pending adjacent development.*

As discussed above, the Project has been designed to ensure that it is physically compatible with, and not detrimental to, existing and future development surrounding the Property.



## **IX. Outreach**

The Applicant has engaged in several meetings with Planning Staff regarding its proposed development. In particular, the Applicant met with Staff on November 26, 2013 regarding GTA findings. In addition, the Applicant convened a meeting on October 14, 2014 to introduce the plan concept to the community. Following this meeting, the Applicant refined its plans to address community concerns, including light spillage and excessive generator noise emanating from the Building 5 garage. A summary of the outreach meetings is as follows:

November 26, 2013 meeting with Planning Staff on GTA calculations

September 18, 2014 meeting with Planning Staff to introduce the Applicant, its team and the proposed development scheme.

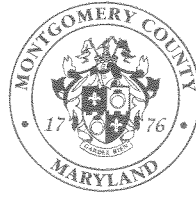
October 14, 2014 community meeting regarding Applicant and plan introductions

January 14, 2015 pre-submission community meeting

January 15, 2015 meeting with Planning Staff regarding current residential plan and proposed Amendment submissions

## **X. Conclusion**

As described in this Statement of Justification, the Amendments address all applicable requirements of the Zoning Ordinance that govern development under the CR Zone. Furthermore, the Project is in conformance with the recommendations of the Sector Plan and makes a significant contribution to the future and continued success of the Germantown area. For all of those reasons, the applications should be approved.



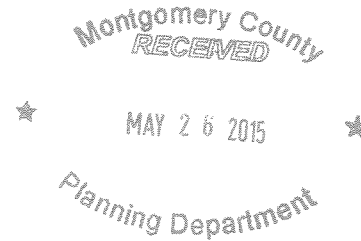
## DEPARTMENT OF TRANSPORTATION

Isiah Leggett  
County Executive

Al R. Roshdieh  
Acting Director

May 21, 2015

Mr. Calvin Nelson, Planner Coordinator  
Area 3 Planning Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760



RE: Preliminary Plan No. 11987271C  
Site Plan No. 82001009E  
Milestone

Dear Mr. Nelson:

We have completed our review of the revised amended preliminary plan dated February 25, 2015. An earlier version of this plan was reviewed by the Development Review Committee at its meeting on March 16, 2015. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. The applicant should coordinate with Lerner and MCDOT on the Dorsey Mill Road bridge crossing Interstate 270 and the Black Hills project on the west side of Interstate 270.
2. MCDOT defers to MNCP&PC for access and improvements for private streets (including alignment, profile, typical section, drainage, maintenance and liability, etc.).
3. Private streets are to be built to tertiary roadway structural standards. Clearly label the internal streets as private.
4. Coordinate with Ms. Joana Conklin of MCDOT (240-777-7195 or [joana.conklin@montgomerycountymd.gov](mailto:joana.conklin@montgomerycountymd.gov)) and Mr. Rick Kiegel of Maryland Transit Administration (410-767-1380 or [rkiiegel@mta.maryland.gov](mailto:rkiiegel@mta.maryland.gov)) regarding the Corridor Cities Transitway.

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**Division of Traffic Engineering and Operations**

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878  
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080  
[trafficops@montgomerycountymd.gov](mailto:trafficops@montgomerycountymd.gov)

5. Show existing bus stops on the plan. Also, the bus stops need to be maintained as ADA compliant stops. Coordinate with Ms. Stacy Coletta of our Division of Transit Services to coordinate improvements to the RideOn bus facilities in the vicinity of this project. Ms. Coletta may be contacted at 240-777-5836 or [stacy.coletta@montgomerycountymd.gov](mailto:stacy.coletta@montgomerycountymd.gov).
6. Ensure sidewalk and handicap ramps along the site frontage on Ridge Road and Milestone Center Drive, where it is in the County right-of-way, are ADA compliant [minimum five foot (5') wide sidewalk] and free of surface structures. Label clearly. The handicap ramps should be aligned across the intersections.
7. MCDOT defers to MSHA for access and improvements for Interstate 270.
8. Provide a ten foot (10') Public Utility Easement (PUE) along the street frontages.
9. The applicant must pay the TPAR mitigation payment that is equivalent to 25% of the Transportation Impact Tax prior to issuance of the building permit.
10. The applicant should coordinate with Ms. Beth Dennard of MCDOT Commuter Services at 240-777-8384 or [beth.dennard@montgomerycountymd.gov](mailto:beth.dennard@montgomerycountymd.gov). The Commuter Services Section (CSS) provides information to employees throughout the County. In addition to providing information to the employees of the new residential and retail spaces proposed under this application, CSS requests that the Applicant allows MCDOT to market alternative modes of transportation to the employees in the existing offices as well.

For the new residential and retail uses associated with the subject amendments, CSS has the following comments:

- Bicycle Facilities: Locate some bicycle racks for use by the public in the Plaza area. Provide bike racks/lockers in weather-protected, highly visible/active locations. Consider providing secure bicycle storage area in residential garages (bike cage) as well as a small bicycle repair station for resident use.
- Static Information Displays: Incorporate static display space into residential lobby(ies), retail locations and other high pedestrian activity areas, to provide opportunity for display of transit and other alternative transportation information. Information on alternatives should also be displayed on each level of parking facilities and in elevators.
- Bike Sharing Station: Provide space in the Project for 1 bikesharing docking station (or similar provision required by the bike sharing system) to enable this form of transportation to be used by residents, employees and visitors at the Project. The location of this docking station will be selected by the Applicant with approval of MCDOT, based upon the requirements of the bike sharing system and in a highly-visible, convenient and

well-lit location on the Project. The Applicant will be required to contribute to the cost of bikeshare facilities and services in accordance with County policy, County Code and other regulations. Applicant will be required to take other actions in concert with the TMD to promote use of bike sharing among residents, employees and visitors at the Project, in order to accomplish the objectives of the TMD.

- Real Time Transit Information: In the lobbies of the residential buildings, provide opportunity and connections for electronic (LCD) display screens providing Real Time Transit Information Signs to enable information to be readily accessed by building residents, employees, visitors, etc. Applicant will reimburse the County for the cost of County-provided monitors. Alternatively, Real Time Transit Information display can be incorporated into planned lobby display monitors/software system for building(s). Applicant will pay for five years of maintenance for County-provided sign(s); if Real Time Transit Information is incorporated into the building's planned monitor systems, there would be no additional maintenance costs.

CSS recommends that the following design elements intended to facilitate the use of non-auto modes of transportation be incorporated in the building design:

- Design building frontages/lobbies to provide two-way visibility for transit vehicles, shuttles and taxis.
- Provide electric and water connections in outdoor settings to enable outreach events to be staged more readily.
- Provide kiosks in busy outdoor areas to provide opportunity for information displays and assistance.
- Provide concierge/reception desk with an area where transit information and pass sales can be transacted – e.g., obtaining transit information, loading of SmarTrip cards.

Thank you for the opportunity to review this amended preliminary plan. If you have any questions or comments regarding this letter, please contact William Whelan, our Development Review Area Engineer for this project at [william.whelan@montgomerycountymd.gov](mailto:william.whelan@montgomerycountymd.gov).

Sincerely,

  
Gregory M. Leck, Manager  
Development Review Team



Milestone  
Preliminary Plan No. 1-1987271C  
May 21, 2015  
Page 4

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Enclosure

cc: Dan Cain Matan Companies  
Rob Cohen VIKA Maryland, LLC  
Bob Vujcic Donally Vujcic Associates, LLC  
Bill Landfair VIKA Maryland, LLC  
Connie Fan Lewis Scully Gionet  
Robert Brewer Lerch, Early & Brewer, Chtd.  
Calvin Nelson M-NCPPC Area 3  
Preliminary Plan folder  
Preliminary Plan letters notebook

cc-e: Atiq Panjshiri MCDPS RWPR  
Mark Etheridge MCDPS WRM  
Sande Brecher MCDOT DTS  
Beth Dennard MCDOT DTS  
Stacy Coletta MCDOT DTS  
Patricia Shepherd MCDOT DTE  
Khursheed Bilgrami MCDOT DTEO  
Dan Sanayi MCDOT DTEO  
Bruce Mangum MCDOT DTEO  
Mark Terry MCDOT DTEO  
William Whelan MCDOT DTEO

Milestone  
Preliminary Plan No. 1-1987271C  
May 21, 2015  
Page 5

DAN CAIN  
MATAN COMPANIES  
4600 WEDGEWOOD BLVD  
FREDERICK, MD 21703

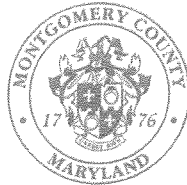
Rob Cohen  
VIKA  
20251 Century Blve, Suite 400  
Germantown, MD 20874

BOB VUJCIC  
DONALLY VUJCIC ASSOCIATES, LLC  
400 PROFESSIONAL DRIVE  
SUITE 200  
GAITHERSBURG, MD 20879

BILL LANDFAIR  
VIKA MARYLAND, LLC  
20251 CENTURY BLVD  
SUITE 400  
GERMANTOWN, MD 20874

CONNIE FAN  
LEWIS SCULLY GIONET  
1919 GALLOWS ROAD  
SUITE #110  
VIENNA, VA 22182

ROBERT BREWER  
Lerch, Early Brewer, Chtd.  
3 BETHESDA CENTER SUITE 460  
BETHESDA, MD 20850



## DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett  
County Executive

Diane R. Schwartz Jones  
Director

May 22, 2015

Mr. James Lapping, P.E.  
Vika Maryland, LLC  
20251 Century Boulevard, Suite A  
Germantown, MD 20874

Re: Stormwater Management **CONCEPT** Request  
for Milestone Phase II  
Preliminary Plan #: 11987271  
SM File #: 271616  
Tract Size/Zone: 40.9/CR  
Total Concept Area: 12.31ac  
Lots/Block: N/A  
Parcel(s): J,P,F, L  
Watershed: Little Seneca Creek

Dear Mr. Lapping:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via the use of micro-biofiltration, and permeable pavement and existing downstream structural facilities.

The following **item(s)/condition(s)** will need to be addressed **during/prior to** the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
5. The existing SWM easements associated with building # 5 will need to be terminated and new easements recorded at the time of detailed plan submission.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is/is not required**.

---

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY  
www.montgomerycountymd.gov

Mr. James Lapping, P.E.  
May 22, 2015  
Page 2 of 2

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Thomas Weadon at 240-777-6309.

Sincerely,



Mark C. Etheridge, Manager  
Water Resources Section  
Division of Land Development Services

MCE: me TEW

cc: C. Conlon  
SM File # 27616

ESD Acres:	9.48ac
STRUCTURAL Acres:	6.8ac
WAIVED Acres:	N/A





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**FIRE MARSHAL COMMENTS**

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---

**DATE:** 21-Jun-15  
**TO:** Jim Lapping  
VIKA, Inc  
**FROM:** Marie LaBaw  
**RE:** Milestone  
11987271C 820010093

---

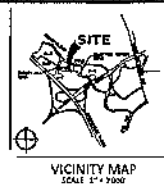
**PLAN APPROVED**

1. Review based only upon information contained on the plan submitted **21-Jun-15** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

**\*\*\* See statement of performance based design for loading-bearing pervious surface details \*\*\***



# ATTACHMENT 5



**VIA**  
 PROFESSIONAL PLANNING & ARCHITECTURE, INC.  
 1000 W. 10th Street, Suite 100  
 Oklahoma City, Oklahoma 73101  
 Phone: (405) 521-1111  
 Fax: (405) 521-1112  
 www.via-planning.com

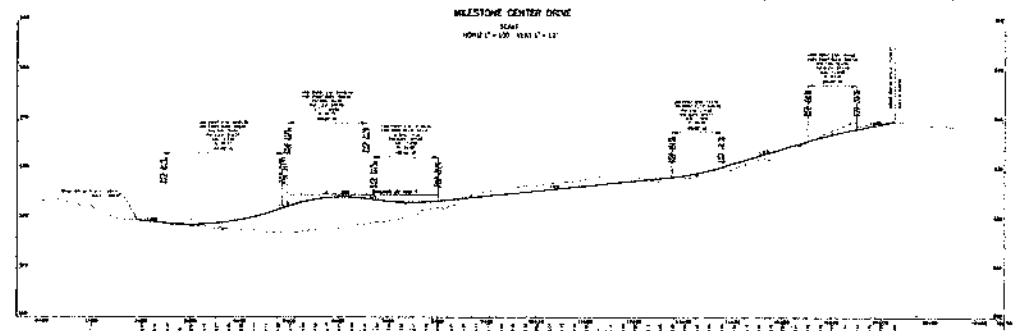
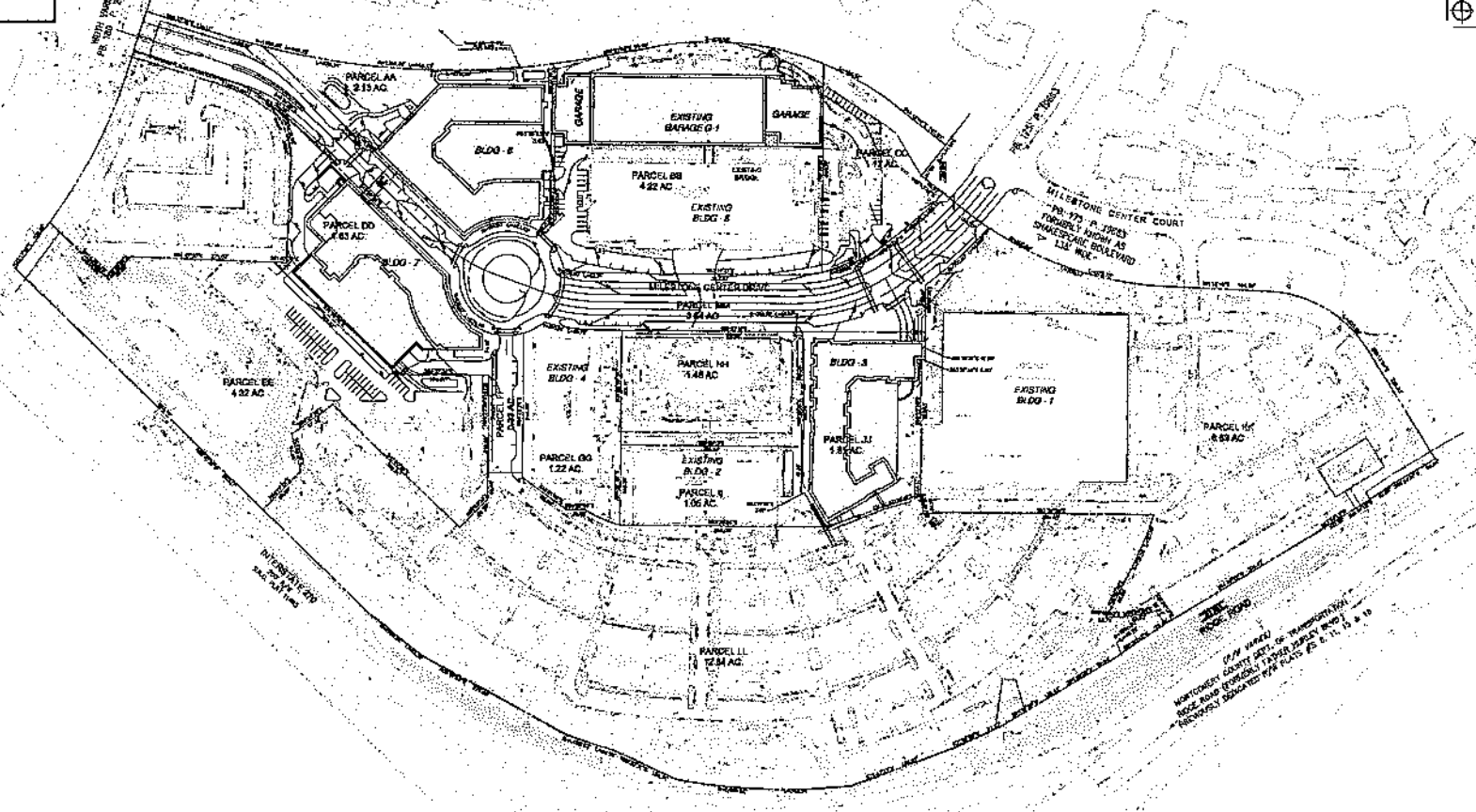
PREPARED FOR:  
 W. W. MILESTONE HOLDING  
 CO., LLC  
 1000 W. 10th Street, Suite 100  
 Oklahoma City, Oklahoma 73101  
 Phone: (405) 521-1111  
 Fax: (405) 521-1112  
 www.via-planning.com

DESIGN CONSULTANTS:  
 ARCHITECTS:  
 SHAW ARCHITECTS  
 1000 W. 10th Street, Suite 100  
 Oklahoma City, Oklahoma 73101  
 Phone: (405) 521-1111  
 Fax: (405) 521-1112  
 www.shaw-architects.com

LANDSCAPE ARCHITECTS:  
 JENSEN SCOTT GARDEN  
 1000 W. 10th Street, Suite 100  
 Oklahoma City, Oklahoma 73101  
 Phone: (405) 521-1111  
 Fax: (405) 521-1112  
 www.jensenscott.com

ATTORNEY:  
 LITTON, DAILY & BAKER  
 1000 W. 10th Street, Suite 100  
 Oklahoma City, Oklahoma 73101  
 Phone: (405) 521-1111  
 Fax: (405) 521-1112  
 www.littondailybakergroup.com

ENGINEERS:  
 WEAVER ENGINEERING, INC.  
 1000 W. 10th Street, Suite 100  
 Oklahoma City, Oklahoma 73101  
 Phone: (405) 521-1111  
 Fax: (405) 521-1112  
 www.weaver-engineering.com



LEGEND

EXISTING	---
PROPOSED	---
CONTRACTOR	---
OWNER	---
PLANNING	---
ARCHITECTURE	---
ENGINEERING	---
LANDSCAPE	---
UTILITY	---
BOUNDARY	---
SETBACK	---
RIGHT-OF-WAY	---
ADJACENT PROPERTY	---
ADJACENT ROAD	---
ADJACENT RAILROAD	---
ADJACENT AIRPORT	---
ADJACENT WATERWAY	---
ADJACENT PARK	---
ADJACENT SCHOOL	---
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ADJACENT OTHER WASTE	---

NO.	DATE	REVISION
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199	12/20/2019	REVISED PER COMMENTS
200	1/10/2020	REVISED PER COMMENTS

**MILESTONE**

2ND ELECTION DISTRICT  
 INDALE COUNTY, OKLAHOMA  
 1000 W. 10th Street, Suite 100  
 Oklahoma City, Oklahoma 73101  
 Phone: (405) 521-1111  
 Fax: (405) 521-1112  
 www.milestone.com

**MNCPPC**  
 # 11987271C

**PROFESSIONAL CERTIFICATION**

I hereby certify that this document is my original work and that I am a duly licensed professional engineer under the laws of the State of Oklahoma.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 License No.: \_\_\_\_\_  
 State: \_\_\_\_\_

DATE: 11/10/2011

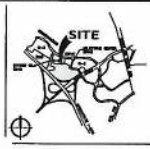
**PRELIMINARY PLAN**

DRAWN BY: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_  
 DATE: 11/10/2011

PP-3



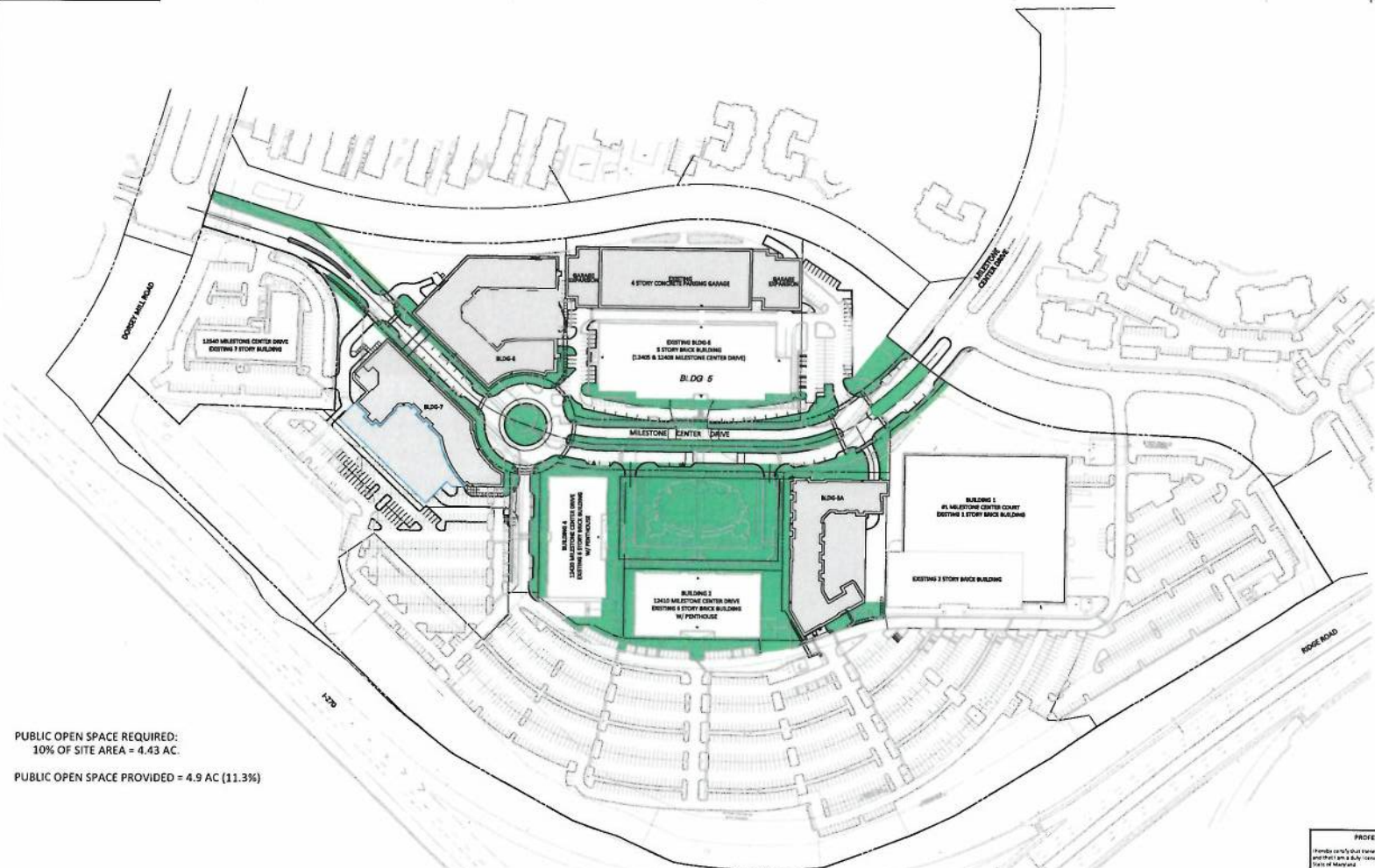
EDGE VIEW



PREPARED FOR:  
VIA-M MILESTONE HOLDING  
VIA, LLC  
100 NORTH COMPANY ST.  
JACKSONVILLE, FL 32216

VICINITY MAP  
SCALE: 1" = 200'

- DESIGN CONSULTANTS:**
- ARCHITECTS:**  
OVN ARCHITECTS  
6060 UNIVERSITY BLVD  
SUITE 1000  
JACKSONVILLE, FL 32216
  - LANDSCAPE ARCHITECTS:**  
LSC ARCHITECTS  
2000 UNIVERSITY BLVD  
SUITE 1000  
JACKSONVILLE, FL 32216
  - ATTORNEYS:**  
LEITCH TAYLOR & BROWN  
601 UNIVERSITY BLVD  
SUITE 1000  
JACKSONVILLE, FL 32216
  - TRAFFIC ENGINEER:**  
TRITITECH GROUP, INC.  
100 UNIVERSITY BLVD  
SUITE 1000  
JACKSONVILLE, FL 32216
  - CIVIL ENGINEER:**  
VGA LANDSCAPE, LLC  
100 UNIVERSITY BLVD  
SUITE 1000  
JACKSONVILLE, FL 32216



**PUBLIC OPEN SPACE REQUIRED:**  
10% OF SITE AREA = 4.43 AC.

**PUBLIC OPEN SPACE PROVIDED = 4.9 AC (11.3%)**



**PROFESSIONAL CERTIFICATION**

I hereby certify that I am a duly Licensed Professional Engineer in the State of Maryland and I am duly Licensed in the State of Maryland.

Signature: \_\_\_\_\_ Date: February 8, 2018  
Title: Project Manager Expiration Date: \_\_\_\_\_  
License No. E23084

**DEVELOPER'S CERTIFICATE**

I hereby certify that the information provided in this application is true and correct and that I am the duly Licensed Professional Engineer in the State of Maryland.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

NO.	DESCRIPTION
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**MILESTONE**

2ND ELECTION DISTRICT  
MONTGOMERY COUNTY,  
MARIETTA  
VTSIC GA01 3790017 & 3790018  
TAKRAM, CV & TR 51

MNCPPC  
B2001009E

**PUBLIC OPEN SPACE**

DRAWN BY: CAD  
DESIGNED BY:   
DATE PLOTTED: 2/22/2018

SHEET 05-1

FOR YOUR LOCATION OF VTSIC CALL  
800-878-8227 OR 410-301-7000 OR VISIT  
WWW.VTSIC.MD OR VISIT WWW.VTSIC.MD  
OR VISIT WWW.VTSIC.MD  
IN YOUR NEIGHBORHOOD.

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

February 12, 2015

Mr. Dan Cain  
Matan Companies, LLP  
4600 Wedgewood Blvd., Suite A  
Frederick, MD 21703

Re: Forest Conservation Exemption 42015145E  
Milestone

Dear Mr. Cain:

Based on the review by Development Applications and Regulatory Coordination staff the request for a Forest Conservation Exemption submitted on February 10, 2015 for the plan identified above, is confirmed.

The project site is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law), Section 22A-5(k) any lot covered by a preliminary plan of subdivision or site plan that did not receive a sediment control permit before July 1, 1991, and for which the preliminary plan of subdivision or site plan:

- (1) Was approved before July 1, 1984, and has less than 40,000 square feet of forest cover; or
- (2) was approved or extended between July 1, 1984 and July 1, 1991, and
- (3) the construction will not result in the cutting, clearing, or grading of:
  - (A) any forest in a stream buffer, or
  - (B) any forest on property located in a special protection area which must submit a water quality plan.

A preliminary plan of subdivision or site plan approved before July 1, 1991, that is revised after that date at the initiative of the applicant and which results in the cutting of more than 5,000 additional square feet of forest is not exempt.

An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged, but before any clearing or grading begins. The property owner should contact the Montgomery County Planning Department inspection staff before construction to verify the limits of disturbance. The property owner, construction superintendent, forest conservation inspector, and Department of Permitting Services (DPS) sediment control inspector should attend this pre-construction meeting.

Any unauthorized changes from the approved exemption request may constitute grounds to rescind or amend any approval actions taken and to take appropriate enforcement actions. If you have any questions regarding these actions, please feel free to contact by email at [douglas.johnsen@montgomeryplanning.org](mailto:douglas.johnsen@montgomeryplanning.org) or at (301) 495-4712.

Sincerely,



Doug Johnsen, PLA

Inspector

Development Applications & Regulatory Coordination

Cc: Nina Paterno, RLA  
42015145E



## DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett  
County Executive

Clarence J. Snuggs  
Director

May 11, 2015

Mr. Calvin Nelson  
Area 3 Division  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Milestone  
Site Plan Amendment No. 82001009E

Dear Mr. Nelson:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the applicant's revised plan for the above referenced Site Plan Amendment and finds it responsive to DHCA's Development Review Committee (DRC) comments. The applicant has noted on Sheet SP-1 of the plan (Note 8) that Buildings 6 and 7 will be constructed concurrently, followed by construction of Building 3A. This note addresses DHCA's concern about MPDU phasing, and DHCA therefore recommends Approval of the Site Plan Amendment.

Please note that an MPDU Agreement that is in compliance with Chapter 25A must be executed between the applicant and DHCA prior to the release of any residential building permits.

Sincerely,

Lisa S. Schwartz  
Senior Planning Specialist

cc: William Landfair, VIKA Maryland, LLC  
Rob Cohen, VIKA Maryland, LLC

S:\Files\FY2014\Housing\MPDULisa Schwartz\Milestone SP 82001009E DHCA Letter 5-11-2015.doc

<b>Division of Housing</b>			
Affordable Housing Program FAX 240-777-3709	Multifamily Housing Programs FAX 240-777-3691	Landlord-Tenant Affairs FAX 240-777-3691	Licensing & Registration Unit 240-777-3666 FAX 240-777-3699

100 Maryland Avenue, 4th Floor • Rockville, Maryland 20850 • 240-777-0311 • www.montgomerycountymd.gov/dhca