



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

M E M O R A N D U M

**DATE:** April 18, 2003  
**TO:** Montgomery County Planning Board  
**FROM:** A. Malcolm Shaneman  
Development Review Division  
(301) 495-4587  
**SUBJECT:** Informational Maps for Subdivision Items on the  
Planning Board's Agenda for April 24, 2003.

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Attached are copies of plan drawings for Items #08, #09 and #10. These subdivision items are scheduled for Planning Board consideration on April 24, 2003. The items are further identified as follows:

- Agenda Item #08 - Preliminary Plan 7-03034  
Farquhar Property
- Agenda Item #09 - Preliminary Plan 1-87272A  
T.C. Thompson Property
- Agenda Item #10 - Preliminary Plan 1-87271A  
Milestone Property

Attachment

VICINITY MAP FOR  
**MILESTONE PROPERTY (1-87271A)**



Map compiled on April 01, 2003 at 1:03 PM | Site located on base sheet no - 229NW13

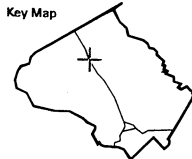
**NOTICE**

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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

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Key Map



Research & Technology Center



1 : 9600

VICINITY MAP FOR  
**MILESTONE PROPERTY (1-87271A)**



Map compiled on April 01, 2003 at 12:56 PM | Site located on base sheet no - 229NW13

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Key Map



1 : 9600



**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW

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April 18, 2003

**Robert H. Metz**  
301.961.5112  
rmetz@linowes-law.com

BY FACSIMILE AND BY MAIL

Mr. A. Malcolm Shaneman  
Maryland-National Capital Park  
and Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Amendment to Preliminary Plan No. 1-87271  
Milestone Business Park

Dear Mr. Shaneman:

The purpose of this letter is to supplement mine of March 26, 2003. Although our request is technically for an Amendment to the above-captioned Preliminary Plan, we are seeking an extension of five (5) years to the staging of the Adequate Public Facilities approval that was set forth in the Board's original Opinion of May 16, 1991. The original approval was for 1,000,000 square feet of office and 50,000 square feet of retail. Since that time, 18.43 acres were sold to Pultz Electronics, Inc., which developed a total of 79,340 square feet of office/industrial. In addition, 2.58 acres were sold to ESA Maryland, Inc. for an Extended-Stay Motel of 46,536 square feet. Finally, Acterna has constructed two buildings totaling 317,500 square feet of office/industrial.

Therefore, the remaining density for which we are requesting an extension of the Adequate Public Facilities approval is 505,200 square feet of office, 22,050 square feet of retail, 5,000 square feet of day care and 25,000 square feet of restaurant. This is the density which has not been constructed as yet but was approved by the Board in Site Plan No. 8-01009 (Exhibit "C"). This request is for an extension of the Adequate Public Facilities staging approval for another five (5) year term.

My best regards.

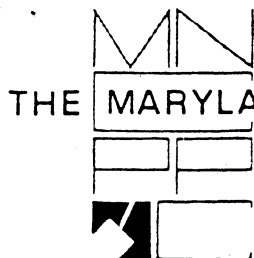
Very truly yours,

LINOWES AND BLOCHER LLP

  
Robert H. Metz

RHM:sbw

cc: Kevin M. Crown, Esquire



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 1-87271

NAME OF PLAN: MILESTONE - INDUSTRIAL

On 12/16/87, Germantown/Seneca Joint Venture submitted an application for the approval of a preliminary plan of subdivision of property in the I-3/R-D Zones. The application proposed to create 3 lots on 98.9 acres of land. The application was designated Preliminary Plan 1-87271. On 2/7/91, Preliminary Plan 1-87271 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented, the Montgomery County Planning Board finds Preliminary Plan 1-87271 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-87271, subject to the following conditions:

- (1) a. Agreement with Planning Board Limiting Development to 105,125 Square Feet of Office Use and Participation in the Necessary Road Improvements as Outlined in 1-24-91 Transportation Division Memo
- b. Revise Agreement Specified in Condition #1(a) to Limit Development to an Additional 894,875 Square Feet of Office Space and 50,000 Square Feet of Retail, Subject to Participation in the Necessary Roadway Improvements and Phasing Associated with Plat Recordation as Outlined in 1-28-91 Transportation Division Memo as Revised on 2-4-91
- c. The Applicant, as a Member of Either the Phase IIA or Phase IIB Road Club, Shall Enter Into an Agreement with MCDOT to Either Dedicate and/or Reimburse the County within a Specified Time Frame for All Planning, Design, Supervision and Acquisition Costs, Related to the Need by the County to Obtain All Necessary Rights-of-Way as Needed for the Interchange of Father Hurley Boulevard and I-270. Such Agreement Must be Signed by the Applicant within Three Months of the Date of the Preliminary Plan Approval, but in Any Event Prior to Any Site Plan Review by the Planning Board  
Full Compliance with this Condition will be Confirmed

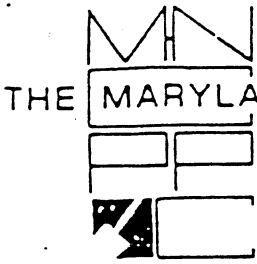
by the Planning Board Staff. Failure on the Part of the Applicant to Fully Execute the Agreement in a Timely Manner Shall Make the Approval of this Preliminary Plan Null and Void. The Obligations Created by this Agreement are Intended to Condition a Preliminary Plan to the Extent that Approval of Such Plan is Dependent Upon Participation in the Phase IIA or Phase IIB Road Club

- d. All Necessary Roadway Designs Must be Approved by the Montgomery County Planning Board. Prior to Recordation of Any Lots, the Applicants Shall Post a Bond with MCDOT or Enter Into a Public Improvement Agreement with MCDOT for All Improvements Required on County Roads and the Applicants Shall Post a Bond with SHA or Enter Into an Agreement, Acceptable to Staff, with SHA for All Improvements Required on State Roads. Prior to MCPB Release of Building Permits, All Roadway Improvements Must be Under Construction
- (2) Dedication of Internal Road Network Acceptable to M-NCPPC Staff and Dedication of Observation Drive for 120' Right-of-Way
  - (3) Provision of an Easement for Future Dedication of Transit Right-of-Way (Minimum 50'). Final Location of Alignment, Crossings and Intersections, and Parking Shall be Determined by Planning Board at Site Plan
  - (4) Dedication of I-270 and I-270/Father Hurley Interchange in Accordance with Master Plan
  - (5) Site Plan to Address Issues Concerning Tree Preservation, Dam Breach Analysis and Extended Detention of Stormwater Ponds
  - (6) Applicant to Dedicate Additional Right-of-Way to Accommodate Turn Lanes on Major Highways in Accordance with Master Plan
  - (7) Conditions of DEP Stormwater Management Approval Dated 12-28-90
  - (8) Location and Number of Buildings to be Determined at Site Plan
  - (9) No Clearing, Grading or Recording of Plat(s) Prior to Site Plan Approval Except as May be Proposed by Applicants and Approved by the Planning Board for Road Improvements
  - (10) Special Trip Reduction Guidelines of the I-3 Zone to be Addressed at Site Plan
  - (11) Necessary Easements
  - (12) Agreement with Planning Board to Provide a 5 Acre Easement for Transit Station Parking Located Adjacent to Future Station. Final Location to be Determined at Site Plan. Record Plat to reflect Area of Easement. Area of Easement to be Dedicated at Such Time as Required for Transit Use

NOTE: A certain general statement of factual findings and conclusions of law, to the extent relevant to the preliminary plan is attached hereto as "Attachment I" and expressly incorporated herein

as an integral part of this written opinion. Together, this opinion and Attachment I, as supported by the relevant testimony and evidence of record, constitute the written decision of the Montgomery County Planning Board.





Date of mailing: July 22, 1996

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

Action: Approved Staff Recommendation  
(Motion of Comm. Aron, seconded by Comm. Holmes, with a vote of 3-0; Comms. Aron, Holmes, and Richardson voting in favor with Comms. Hussmann and Baptiste being absent).

MONTGOMERY COUNTY PLANNING BOARD

OPINION

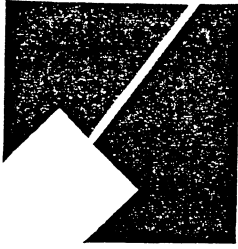
Preliminary Plan 1-87271  
NAME OF PLAN: MILESTONE - INDUSTRIAL

On 12-16-87, JAJ NEELSVILLE LTD. PART. , submitted an application for the approval of a preliminary plan of subdivision of property in the I3 zone. The application proposed to create 6 lots on 29.05 ACRES of land. The application was designated Preliminary Plan 1-87271. On 07-11-96, Preliminary Plan 1-87271 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing , the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form attached hereto and made a part hereof, the Montgomery County Planning Board finds Preliminary Plan 1-87271 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan 1-87271, subject to the following conditions:

Approval to revise previous conditions of approval, subject to:

- 1) Submit revised APFO agreement limiting development to include the addition of 378,778 square feet of office, 22,050 square feet of retail and 25,000 square feet of restaurant use as outlined in 6/19/96 Transportation Division memo, including the limitation restricting development on R&D lot 1 to 437,778 square feet of office use. Of the amount, 204,778 square feet can be constructed with current roadway improvement package. The remaining 233,000 square feet of office use on lot 1 can be constructed when Transit Service is operational and a Transit Mitigation Agreement is approved by staff.
- 2) Dedication of transit right-of-way (70' minimum) which must occur simultaneous with the recordation of R&D lot 1.
- 3) All other previous conditions of approval by Planning Board opinion dated May 16, 1996 remain in full force and effect.

4) This preliminary plan will remain valid until August 22, 1999 (37 months from the date of mailing which is July 22, 1996). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed.



## MONTGOMERY COUNTY PLANNING BOARD

## O P I N I O N

**DATE MAILED:** January 17, 2001

**SITE PLAN REVIEW:** #8-01009

**PROJECT:** Milestone Business Park

*Action: Approval subject to conditions. Motion was made by Commissioner Bryant, seconded by Commissioner Wellington, with a vote of 5-0, Commissioners Bryant, Holmes, Hussmann, Perdue and Wellington voting for.*

The date of this written opinion is January 17, 2001, (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before February 17, 2001 (which is thirty days from the date of this written opinion. If no administrative appeal is timely filed, this site plan shall remain valid for as long as Preliminary Plan #1-87271R is valid, as provided in Section 59-D-3.8. Once the property is recorded, this site plan shall remain valid until the expiration of the project's APFO approval, as provided in Section 59-D-3.8. If no administrative appeal is timely filed, this site plan shall remain valid until the expiration of the project's APFO approval, as provided in Section 59-D-3.8.

On January 11, 2001, Site Plan Review #8-01009 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report which is made a part hereof, the Montgomery County Planning Board finds:

1. *The Site Plan is consistent with the approved development plan or a project plan for the optional method of development, if required;*
2. *The Site Plan meets all of the requirements of the I-3 zone;*

3. *The locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;*
4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development;*
5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The Montgomery County Planning Board APPROVES Site Plan Review #8-01009 which consists of 822,700 gsf office, 22,050 gsf retail, 25,000 gsf restaurant, and 5,000 gsf day care subject to the following conditions:

1. Prior to signature approval of the site/landscape plans the following revisions shall be made and/or information provided:
  - a. Details for any required structures in the proposed sand filters along I-270 shall be provided. Every effort shall be made to minimize views of the structures (from both within and outside of the site) through careful siting and/or screening.
  - ✓ b. Building #5 shall be shifted so that it will be located a minimum of thirty feet from the street and a minimum of 15 feet from the bike path/sidewalk along Milestone Center Drive.
  - ✓ c. The crosswalks shown along Milestone Center Drive shall be shifted slightly so as to align with the sidewalk system pending Department of Permitting Services (DPS) approval.
  - ✓ d. Additional internal green islands shall be provided in the parking lot in order to visually reduce the amount of paving. Applicant and staff to agree prior to signature set approval.
  - ✓ e. A plan shall be submitted which demonstrates that the minimum green area requirement will still be met under the Phase II plan which includes the proposed parking structures.
  - ✓ f. The Urban Park/Open Space area shall be revised to clearly delineate all construction and landscape materials. Drainage structures shall be relocated from the center of the lawn panel. Spot elevations shall be provided as necessary to identify grade changes at stairs and walls and to ensure positive drainage. Additional seating shall be provided around the ellipse and shade trees or large-scale ornamental trees shall be provided to reinforce the space and provide shade for seating.
  - ✓ g. Shrubs in parking lot islands shall extend beneath the canopy of shade trees. Burford Hollies shall be planted no further than 5 feet on-center.
  - ✓ h. Additional shrub masses shall be provided on the north side of Building #1.
  - ✓ i. Evergreen shrub masses shall be provided to screen views of parking areas along Milestone Center Drive per Section 59-E-2.7 of the Zoning Ordinance.
  - j. Additional evergreen planting shall be provided along the northeastern property line in an effort to screen the loading dock of Building 1 from view.
  - k. The streetscape treatment along Milestone Center Drive shall be extended to the intersection of Shakespeare Blvd subject to the Department of Public Works and Transportation approval.

- l. A landscape plan for the stormwater management facilities shall be submitted and approved by M-NCPPC and the Montgomery County Department of Permitting Services.
  - m. Construction details for the screening walls in the loading areas shall be provided on the plans, including general material specifications and wall height.
  - n. The lighting plan shall be revised to show (1) that the footcandles of lighting at the site's perimeter are between 0-.5, (2) that all parking lot standards are located within landscape islands, and (3) a variety of appropriate attractive light fixtures, including special street lights for use along Milestone Center Drive to reinforce a high-quality business park image.
2. The Urban Park/Open Space shall be completed prior to occupancy of Building #3 so as not to interfere with construction of Building #3.
  3. Prior to submission for building permits for Buildings 4, 5 and/or the parking structures, a revised site plan shall be submitted and approved by the Planning Board's designee. Elevations for the parking structures shall be submitted and approved. The elevations shall demonstrate that the structures have been designed to be compatible with the architecture of the office buildings, incorporating similar architectural details and materials, and shall be designed to minimize glare and noise impacts on the nearby residential community. Prior to approval, the plans shall be sent to the home owner associations of the adjacent condominiums and townhomes and to the adjoining apartment complex.
  4. Prior to recordation of the Final Plat, a maintenance and usage agreement for the commuter parking lot shall be submitted to and approved by the Montgomery County Department of Public Works and Transportation.
  5. The Final Plat shall include an ingress/egress easement on Milestone Center Drive for the purpose of providing public access to the transit way and the commuter parking lot. The applicant shall enter into a trip reduction agreement with a goal of 7% per the I-3 zone requirement.
  6. The site plans and record plat shall reflect the revision to the alignment of the transitway easement per the Transportation Planning staff memorandum dated 1/4/01. (See attached Kim to Komes).
  7. Submit a Site Plan Enforcement Agreement and Development Program for review and approval prior to approval of the signature set as follows:
    - a. Development Program to include a phasing schedule as follows:
      - 1) Street tree planting must progress as street construction is completed, but no later than six months after completion of the buildings adjacent to those streets.
      - 2) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
      - 3) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
      - 4) Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.

- b. Site Plan Enforcement Agreement to delineate transportation management program
- 8. Signature set of site, landscape/lighting, and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
  - a. Limits of disturbance;
  - b. Methods and location of tree protection;
  - c. Conditions of DPS Stormwater Management Concept approval letter;
  - d. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
  - e. The development program inspection schedule.
- 9. Clearing and grading will be permitted pursuant to Applicant's existing permit; however, no clearing and/or grading shall occur before M-NCPPC staff inspection of tree preservation areas.