

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

MONTGOMERY COUNTY PLANNING BOARD
CORRECTED OPINION

Preliminary Plan Review No. 1-96110
Project: The Johns Hopkins Belward
Date of Hearing: November 7, 1996

Preliminary Plan #1-96110 -- Action. Approval Subject to Conditions. Motion was made by Commissioner Richardson, seconded by Commissioner Holmes, with a vote of 4-0, Commissioners Baptiste, Richardson, Holmes, and Hussmann voting in favor of the motion. Commissioner Aron was necessarily absent.

The date of this written opinion is February 10, 1997, (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, within thirty days of the date of this written opinion as provided in the Maryland Rules of Procedure.

On November 7, 1996, Preliminary Plan Review #1-96110 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 on the record, on the application.

PROJECT BACKGROUND

The subject property consists of 138 acres located on the north side of Maryland Route 28 (Rte.28/Darnestown Road) and Key West Avenue. Muddy Branch Road borders the west side of the property. The site is classified in the Research & Development Zone (R&D) which allows a variety of low-density industrial, research and development activities. Up to 50 percent of the total floor area may be devoted to general office use. The site will be traversed by a future extension of Decoverly Drive (Street "A", Attachment 1). This street will serve as a spine road for the development. Access to the site will be provided primarily from Key West Avenue and Muddy Branch Road. The Belward Farm/Ward House historic site is located between Street "A" and Route 28.

The western part of the site is presently farmland and the eastern portion of the site is primarily wooded. There are two minor streams that drain northward on the property

Development on the north side of the site consists of detached homes in the Mission Hills subdivision located within the City of Gaithersburg. Some of the homes back up to the boundary line of the property. Development on the west side, across Muddy Branch Road, also consists of detached homes located within the City of Gaithersburg. Development south of the subject property, across Route 28, includes one-family attached homes developed in the Stonebridge subdivision. The land to the east, north of Key West Avenue, is undeveloped woodland, extending to Great Seneca Highway. Property across Key West Avenue from the site includes a portion of the County Police/ Fire & Rescue Training Academy.

The plan proposes to develop the property with 1.8 million square feet of office and R & D development.

DISCUSSION OF ISSUES

At the hearing, the Preliminary Plan raised several issues for the Board to consider, in addition to the standard preliminary plan approval criteria:

1. Participation in a future transportation management organization.
2. Extent of environmental setting for historic property on site.
3. Extent of dedication of right-of-way for Route 28.
4. Dedication of land for Park and Ride lot on site.
5. Adequacy of recreational facilities/provision of private local park.
6. Contents of landscape plan.
7. Improvements required for Key West Avenue.
8. The number of parking spaces allowed for the site.
9. Compatibility of development with neighboring residential developments.

Participation in a future Transportation Management Organization (TMO).

The Board heard differing opinions between staff and the applicant with regard to whether the applicant should be required to participate in a future TMO¹. According to staff, the 1990

¹Pursuant to Section 42A.23 of the Montgomery County Code, the County Council may create one or more Transit Management Districts (TMDs) in each metro station policy area.

Approved and Adopted Shady Grove Study Area Master Plan (Master Plan) recommended a strong public/private commitment to various transit proposals including the formation of a TMD. Also, the Montgomery County Council, sitting as the District Council, in approving the recent Sectional Map Amendment (SMA) for the site, emphasized in their Opinion, dated June 11, 1996, that transit service is an essential element of the Master Plan and forms the basis for the land use and zoning proposals. Staff therefore recommended conditioning Preliminary Plan approval on the applicant's participation in a future TMO to be formed in the Shady Grove area. One representative of the Stonebridge HOA testified in support of requiring TMO participation.

However, as pointed out by the applicants, the TMO has not been formed; they objected to providing an open-ended commitment to participate in a future TMO. The applicant submitted a letter and testified at the public hearing in support of its position on this issue.

Pursuant to Section 50-34(1), of the Subdivision Regulations in determining the acceptability of the Preliminary Plan submitted under the provisions of this chapter, the Planning Board must consider the applicable Master Plan. A preliminary plan must substantially conform to the applicable master plan, including maps and text, unless the Planning Board finds that events have occurred to render the relevant master plan recommendation no longer appropriate.

The Board acknowledges the Master Plan recommendations and County Council's intent to initiate legislation to create a TMO in the Shady Grove area at a future date and the overall emphasis on transit oriented development on the site. When such legislation is proposed, the Council may seek to include preliminary plans approved prior to the effective date of the legislation. However, until that time, the Board will not impose a condition on this plan for participation in a future TMO. Instead, the applicant must participate in a future TMO if required by the Council in its legislation on the issue. By so conditioning this Preliminary Plan approval the Board does not intend to exempt the property from consideration by the County Council for inclusion in a TMO at a future date.

Environmental Setting For the Historic Site:

The site includes an historic house designated as Master Plan historical site #20/21 Belward Farm/ Ward House at Darnestown Road and Key West Avenue.

The Board heard three positions regarding the environmental setting of the historic site. Susan Soderberg, Commissioner of the Montgomery County Historic Preservation Commission (HPC), spoke on the HPC's behalf in favor of an approximately 15 acre environmental setting. She described the role the site played in early community development, and explained that maintaining

Once created, the Planning Board and MCDPWT may impose reasonable transportation demand management measures as conditions on the Board's approval of a project in a TMD. A TMO is an entity created to manage or coordinate transit management demand measures.

the vista around the site was a key to understanding the role the site played in a Civil War skirmish. The HPC recommended the relatively large setting to maintain these vistas.

The applicant supported a reduced environmental setting of approximately 5 acres, with a plan to "buffer" the site from the surrounding development by placing some of the parking areas around the historical setting.

Finally, staff from the Board's Design, Zoning and Historic Preservation Division advised the Board that the proposed project's layout would impact negatively on the historic site. Specifically, staff faulted the applicant's proposal to reduce the setting and was strongly opposed to allowing any parking areas to be sited in front of the historical setting. Such parking would interfere with the vistas around the historical site. As set forth in a memorandum submitted into the record, staff supported a 6.98 acre environmental setting with significant open space on either side of the existing driveway

Section 24A-5 of the Montgomery County Code authorizes the Historic Preservation Commission to advise the Planning Board, in the event of subdivision of land containing an historic resource, on the appurtenances and environmental setting to preserve it. The Planning Board must consider the HPC recommendation along with the other testimony and evidence submitted on this issue.

The record includes both written and oral testimony about the impact of the resubdivision on the historical resource. Preserving a larger setting than proposed by the applicant is necessary to maintain the vistas that are essential to preserving the site's historical meaning. However, maintaining adequate vistas can be achieved though a smaller setting than proposed by the HPC. Therefore, the Board supports the staff's recommendation of a 6.8 acre setting with the restrictions set forth in Condition 4 of this opinion.

Extent of right-of-way dedication for Maryland Route 28.

As part of the subdivision process, the Planning Board is authorized to secure necessary dedications for public streets. Section 50-30 of the Subdivision Regulations requires the dedication of streets to the full extent of the required right-of-way (ROW) determined to be necessary and proper and taking into consideration the maximum utilization of the site as provided in the applicable Master Plan.

The applicable Master Plan for the site recommends a maximum number of 6 travel lanes on Route 28 which would require a 150 foot ROW (measured from the opposite side of the road). However, staff and the applicant disagreed whether that was the necessary and proper width for the ROW. Staff supported the Master Plan requirement of 150 feet of dedication to address the possibility that 6 lanes of travel may be built along Route 28. However, staff acknowledged that the Maryland State Highway Administration (SHA), which owns Route 28, only requires 125 feet of dedication to meet improvements planned for the immediate future. Therefore, staff

recommended, as an alternative, requiring 125 feet of dedication at this time, and requiring a 25 foot easement for future dedication, if necessary for additional improvements as envisioned in the Master Plan.

The applicant disagreed with both the staff's recommendation for 150 feet of dedicated ROW and staff's compromise position. The applicant argued that MDSHA not only does not need 150 feet for its planned improvements, but that area for staff's proposed 25 foot easement is proposed for future afforestation. A representative from the SHA, Ron Burns, testified at the public hearing that the SHA has reviewed the application and the two arguments regarding dedication and concluded that the 125 feet dedication was sufficient for its presently planned improvements to Route 28.

The Planning Board considered staff's recommendation, the applicant's opposition to it and the position of the SHA. While the Board agrees with staff that the Board has the authority under the Subdivision Regulations to impose the full 150 foot ROW shown in the Master Plan, the position of the SHA makes it clear that such width is not necessary to accommodate the immediate planned improvements for Route 28. The Board finds that a 125 foot wide ROW is necessary, proper and sufficient to meet the future traffic requirements that the utilization of the site will create.

Provision of on-site Park and Ride lot.

The Master Plan recommends that a Park and Ride lot be located in the vicinity of the site to help reduce future vehicle trips through the area. Staff pointed out to the Board that this site was one of the last in the area that could support such a lot. Therefore, staff recommended conditioning the plan approval on the location of the lot on the site at some point during the proposed 12 year phase for site development.

However, the Board was also informed at the public hearing that staff of Montgomery County Department of Public Works and Transportation (MCDPWT) (the agency responsible for building the lot) concluded that this site would not be a good location for the lot and that there is no money appropriated for a lot in this area. The applicant also opposed staff's recommendation on the grounds that an open ended commitment to locate the lot on its property created marketing problems and was too uncertain to accept.

The Board considered the staff's position and recognizes the importance of locating a Park and Ride lot in the area of the site (but not necessarily on the site). This point is emphasized in the Master Plan. However, the Board notes that the MCDPWT does not support locating the lot on this site and lacks funding for the lot. Therefore, the Board will not condition this plan approval on the dedication of land for a park and ride lot on the site.

Adequacy of recreational facilities.

The Master Plan includes specific recommendations for recreational amenities on the site:

To help provide activity on the site after work hours and on weekends, non-employment uses should be provided. This Plan recommends recreational facilities and a private local park.

A park is illustrated in the Master Plan on the western portion of the site. (See Master Plan, p. 120).

The Board raised concerns over the plan because it did not appear to show any recreational facilities or a local park. In response to the Board's questions on this issue, the applicant noted the recreational trail system proposed for the site and explained that the historic property was to be used as a retreat center for employees. According to the applicant, the staff of the Parks Department reviewed the Master Plan recommendation for the site and did not interpret that recommendation to require a local public park on the site. Staff did not comment at the public hearing about the adequacy of the proposed recreational facilities.

The Board expressed its reservations about whether the applicant's proposed recreational facilities met the Master Plan recommendations for the site. In particular, the Board noted that some of the facilities would not be available to non-employees and available during non-work day periods like nights and weekends. Chairman Hussmann stated that what he contemplated as the required recreational facilities included more than jogging trails. He stated that he expected a more defined recreational amenities package. Commissioner Pat Baptiste voiced her concern that the plan showed only parking lots and buildings without the recreational amenities envisioned by the Master Plan.

To that end, the Board directed staff to develop Condition 14 of this approval. This condition requires the applicant to provide a recreational plan for staff review which includes active recreational amenities such as a health club and play courts, and further details the internal path system with connections to off-site paths. The recreational plan will have to be approved by staff prior to record plat approval. This condition ensures that the type of facilities for the surrounding community and the on-site employees envisioned by the Master Plan will be provided. The proposed trail system is especially important to making the site accessible to bordering communities. The health club would provide an indoor recreational facility for employee use. The Board finds that with this condition, the plan meets the Master Plan recommendations for recreational facilities on the site.

Contents of landscape plan.

Under the requirements of Section 59-C-5.322 of the Zoning Ordinance, the applicant must submit a landscape plan as part of a Preliminary Plan application in the R&D Zone.

Staff recommended that the applicant submit a detailed landscape plan that included not only the landscaping proposed for the perimeter of the site but also the landscaping proposed around the buildings and parking areas internal to the site. Staff found this requirement important because the development was not required to go through site plan review because it utilized the standard method of development. Therefore, the landscape plan would be one of the Board's only opportunities to review landscape features.

The applicant resisted staff's recommendation for more detail as to internal landscape features because it required flexibility in final development plans to meet the requirements of potential purchasers at the site. The applicant also protested staff's recommendations as premature at the preliminary plan stage; the applicant felt that staff was requiring a "site plan" type of review where none is required in the Zoning Ordinance.

A representative of the Montgomery County Office of Economic Development echoed the applicant's opinion that requiring the submission of a more detailed landscape plan was burdensome.

The Board agrees with staff that submitting a detailed landscape plan is not an onerous condition and is well within its authority under Section 59-C-5.322 of the Zoning Ordinance. The need for the plan is heightened by the absence of further site plan review opportunities. However, the Board acknowledges the applicant's need for flexibility in building location and design; a landscape plan should not be used to lock the applicant into a particular building layout. (Staff also agreed that building location is not the issue when it reviews landscape plans.) Staff advised the Board that at the time sediment and erosion control permits were issued, the building locations would be finalized. At that point, the applicant could submit a landscape plan with enough detail to accurately portray the landscape features. Therefore, the Board finds the requirements for a landscape plan will be met with the submission for staff review of a final landscape plan prior to the issuance of sediment and erosion control permits for each phase of development.

Improvements required for Key West Avenue.

Pursuant to Section 50-24(b) of the Subdivision Regulations, the Planning Board may require "reasonable improvements to roads in front of proposed lots to serve the needs of [the] subdivision for access and traffic as required by the road construction code."

As noted above, the Master Plan recommends a maximum of 6 lanes for Key West Avenue where it fronts the site. Based on this recommendation and the traffic analysis conducted by staff from the Board's Transportation Planning Department, which is part of the record, staff recommended a third westbound lane on Key West Avenue along the site's frontage. Staff recommended that the lane be made to run from the intersection of Great Seneca Highway and Key West Avenue to approximately 300 feet past the proposed on-site Street "C" See Attachment 1 From that point, staff recommended a 300 foot tapered westbound lane into the existing 2 lane roadway The staff made these recommendations based on concerns for safe ingress and egress from the site, the traffic that would be generated by site development and to reflect the original

recommendations of the MDSHA and MCDPWT. The applicant disagreed with staff's recommendation regarding the need for a 300 foot tapered lane. The applicant advocated a lane running 300 feet from proposed Street "C" including taper. The applicant stated that this proposed improvement meets the requirements for safety and access to the site. The MCDPWT, which has jurisdiction over Key West Avenue, agreed with Board staff.

Both staff and the applicant argued their respective positions before the Board at the public hearing and in reports which are part of the record. The Board considered the opposing recommendations and the safety issues reflected in those recommendations. The Board noted that the applicant's proposal resulted in an abrupt termination of the third westbound through lane. Based on the evidence on the record in support of the staff's recommendation, the Board recommends that the third westbound through lane should be full width beyond proposed Street "C" and then tapered back to the two-lane roadway within 300 feet beyond that point. The Board also finds that the length of that taper should be determined by Board staff and by MCDPWT. While the applicant may participate in that process, the final decision as to the length of the taper rests with MCDPWT and the Board.

The number of parking spaces allowed for the site.

Staff reviewed the number of parking spaces proposed for the development to ensure that the availability of on-site parking did not conflict with the Master Plan recommendations for a transit oriented development noted above. Staff noted that there is no specific ratio of parking spaces per square foot of floor area for an R & D project. For this project, staff recommended the ratio of a minimum of 2.9 spaces per 1000 feet of floor area which is the same ratio specified for general office use at Section 59-E-3.2 of the Zoning Ordinance. Staff recommended this ratio as a maximum for this site because minimizing the availability of on-site parking is important to the success of transit-oriented development. Staff also noted the increased paved parking area clashed with forest conservation expectations on the site.

The applicant proposed a ratio 3.3 spaces per 1000 feet. The applicant argued at the hearing that potential users demanded at least this amount, making that ratio necessary to the economic viability of the development. The applicant also noted that R & D does not generate the same parking needs as office space because of greater shift flexibility. Finally, the applicant noted that the parking ratios in the Zoning Ordinance are expressed as the minimum required, not the maximum allowed.

Several neighbors of the site reacted negatively to the amount of parking proposed by the applicant.

The Board agrees with staff's and neighbors' concerns over allowing 3.3 parking spaces per 1000 feet of floor area because of the Master Plan emphasis on transit oriented development for the site. However, the Board notes the uncertainty for an appropriate ratio for R & D development because of the R & D zone's unique combination of office and light industrial uses. The Board also

recognizes the role parking plays in making a development economically viable. However, the greater on-site parking conflicts with transit oriented development that encourages greater use of car pools, van pools, and public transportation. As a compromise between these somewhat conflicting factors, the Board supports staff's recommendation set forth in Condition 12 of this Opinion. This condition will allow the first 480,000 square feet of development to proceed with a maximum ratio of 3.3 spaces per 1000 feet of floor area. This represents approximately 25% of the overall planned development on the site. Prior to proceeding with the remaining 1,320,000 square feet of development, staff must review that ratio considering such factors as availability and accessibility of planned transit improvements and the demand for parking from the first 480,000 square feet of the project. The Board finds that this initial parking ratio, with the requirement of reevaluation for future phases, is consistent with the Master Plan and the type of development proposed in the Plan.

Compatibility of development with neighboring residential developments.

Residential developments border the proposed development to the north (single family detached houses in Mission Hills subdivision); across Muddy Branch Road (detached single family homes) and south across Route 28 (single family attached houses in the Stonebridge subdivision). Several property owners in these residential developments spoke at the public hearing, both individually and as representatives of homeowners associations.

William Horn, who lives in the Stonebridge subdivision, raised concerns over the potential for hazardous activities taking place next to residential communities. He also spoke against the size and scope of the project and gave the Board a petition signed by residents of Stonebridge against the development as planned. He stated that residents want the project scaled back and a limitation of possible uses to ensure the residents' safety

John McCarthy spoke as the representative of the Mission Hills subdivision. Mr. McCarthy stated that the plan allowed too much parking in large parking lots similar to a mall. He also stated that the plan did not meet the Master Plan requirements for a campus office park with housing for employees. Finally, he asked the Board to require buffering between parking lots on the site and neighboring communities adequate to minimize the glare from vehicle lights shining into those communities.

Lawrence Marcus, a representative of the Stonebridge Homeowner's Association voiced general support for staff's recommendations regarding participation in the TMO, a large environmental setting for the historical farmhouse, placing a Park and Ride lot on the site and the submission of a detailed landscape plan. Mr. Marcus was also concerned that the widening of Rte. 28 would cut into a landscape berm that buffers the Stonebridge subdivision from the road and the site.

Several other neighboring property owners spoke in opposition to the scope and compatibility of the project relative to the neighboring residential communities.

One representative of a property owner on Key West Avenue next to the site spoke generally in favor of the proposed plan but added a request that median breaks be included on Key West Avenue in front of its property

Staff and the applicant were aware of the concerns of the neighboring residential communities. Staff pointed out in its report and at the hearing several features of the plan that buffer the surrounding residential communities from the proposed development. First, the plan meets the general requirements of the R & D Zone including the minimum 2 acre lot size and the provision of at least 30% green space on site. The plan also meets the setback requirements for the zone which range from 200 feet for buildings and 100 feet for parking areas from the Mission Hills subdivision to 50 feet for buildings and parking areas from major highways bordering the site. In consideration of the concerns of residents in the Mission Hills subdivision, the Board also requires an additional 50 feet of setback between the subdivision and proposed lot #5, Block C for a total setback of 150 feet. (See Attachment 1).

The applicant also reviewed for the Board the plans for landscaped berms between the site and residential communities and also the elevations of the site relative to those communities. This gave the Board a perspective of the view of the site from these communities. The applicant's engineer also noted that in most areas between the site and the Mission Hills community, the berms are proposed to be a minimum of 10 feet above the existing grade and will have trees. In other areas, the berms were even higher to address staff concerns. The berms, in conjunction with the natural elevations of the site, will buffer the residential areas from the development on site. The Board finds that the plan provides adequate buffering features that make the development compatible with existing residential development.

Staff also carefully reviewed the natural resources plan submitted by the applicant pursuant to Section 59-C-5.322 of the Zoning Ordinance. The natural resources plan consisted of the forest conservation plan and natural resources inventory. Staff from the Board's Environmental Planning Division noted that the site contains almost 30 acres of quality forest. However, much of this forest is located near proposed transit facilities. Preservation will be difficult given these competing priorities. Further, staff noted that the applicant sought flexibility as to final locations of preservation areas in order to meet the particular building layout requirements of future users of the site.

The Board acknowledges the applicant's need for flexibility regarding final delineation of forest conservation areas. The final forest conservation plans will have to be approved by staff (and therefore will have to meet the conservation requirements in the Montgomery County Code) prior to the issuance of sediment and erosion control permits for each phase of development. With this condition, the Board finds that the natural resources conservation plan is adequate.

General Preliminary Plan Criteria

Section 50-35 of the Subdivision Regulations provides the approval procedure for preliminary subdivision plans. After presentation of the preliminary plan by staff, the Planning Board shall act to approve or disapprove the plan or to approve the plan subject to conditions and/or modifications necessary to bring the plan into accordance with the Code and all other application regulations.

The general provisions for lot design for a subdivision are set forth in Section 50-29 of the Code. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated in order to be approved by the Planning Board. Lots must also abut on a dedicated street or public road.

Staff's report includes details about lot size, width, shape and orientation for the plan. As noted above, the Board heard extensive testimony regarding the plan. In consideration at the public hearing set forth below, the evidence on the record, the Board finds that the plan meets the general criteria for preliminary plan approval.

CONCLUSION

Based on the testimony, evidence and exhibits presented, as well as the contents of the Preliminary Plan file, the Planning Board finds the Preliminary Plan to be in accordance with the Subdivision Regulations of the Montgomery County Code and the provisions of the Maryland Code Ann., Art. 28. Therefore, the Planning Board approves the plan subject to the following conditions:

- (1) Prior to record plat, applicant to enter into an agreement with the Planning Board to limit development to a maximum of 1,800,000 square feet of office and R&D space and to provide the necessary roadway improvements as outlined in the October 31, 1996 Transportation Planning Division memorandum, as amended on 11/5/96, attached to and incorporated by reference in this Opinion as Attachment 2.
- (2) Compliance with conditions of approval for the preliminary forest conservation plan. Applicant must submit final forest conservation plans for each area of development prior to MCDPS issuance of sediment and erosion control permits. Record plats must contain a note stating that future easements delineating approved forest conservation areas must be recorded for each development area prior to the issuance of building permits.
- (3) Prior to submission of a record plat application for Phase 1, submit a revised preliminary plan for staff approval which accurately shows the required 100 foot stream buffers and removes all off-street parking areas from the required buffers. In addition, no disturbance related to construction of buildings and parking is permitted within the buffer areas, unless approved by environmental staff.

(4) A 6.98 acre environmental setting (Staff's Alternative 2) must be established for this area as recommended in the Planning Department memorandum dated 10/31/96, attached to and incorporated by reference in this Opinion as Attachment 3. The revised preliminary plan, required by Condition #3 above, must remove all proposed parking shown to be located within the historic setting between the front of the Belward Farm/Ward House and MD RT 28.

(5) Dedicate 150 feet of right-of-way, as measured from the opposite property, for Key West Avenue; dedicate 120 feet of right-of-way, as measured from the opposite property, for Muddy Branch Road; and dedicate 125 feet of right-of-way, as measured from the opposite property, for MD RT 28.

(6) Access and improvements to Key West Avenue to be as required and approved by MCDPWT and SHA, as appropriate. Improvements to Key West Avenue must include a continuation of the third westbound lane along the property frontage to proposed Street "C", and a continuation of the third lane for approximately 300 feet west of proposed Street "C", with approximately 300 feet of taper to the existing two lane cross section provided beyond that point.

(7) Conditions of Montgomery County Department Permitting Services stormwater management approval dated 8/27/96.

(8) *this note to be added*
Record plat to reflect denial of access to MD RT 28 per MDSHA, except for the existing driveway access which will remain until Street "A" is constructed.

(9) A final landscape plan must be submitted to Planning Department staff for approval for each area of development, with the final forest conservation plan, prior to issuance of sediment and erosion control permits for each development area. The landscaped berm proposed to be located between the Mission Hills subdivision and the proposed development must be at least ten feet in height to provide an effective buffer.

(10) *A, B, J, I, on plain FCP with note saying it could be adjusted*
Record plats to reflect delineation of conservation easements over any 100 year floodplain, wetlands and stream valley buffer areas.

(11) Record plats for this large scale project may be recorded in stages that allows for a twelve year validity period for the preliminary plan based on the following phases:

Phase 1 Record land for 200,000 square feet of development within 36 months of the mailing of the Board's Opinion.

Phase 2 Record land for an additional 200,000 square feet of development within 36 months of the initiation of Phase 2. Phase 2 commences 36 months after the mailing of the opinion, provided that Phase 1 is recorded on schedule.

- Phase 3 Record land for an additional 700,000 square feet of development within 36 months of initiation of Phase 3. Phase 3 commences 36 months after the initiation of Phase 2, provided that Phase 2 is recorded on schedule. *Nov 2003*
- Phase 4 Record land for the final 700,000 square feet of the project within 36 months of the initiation of Phase 4. Phase 4 commences 36 months after the initiation of Phase 3, provided that Phase 3 is recorded on schedule. *Nov 2003*

As part of this phasing requirement, applicant must enter into an agreement with the Planning Board to provide for payment of pro rata share for any required APFO roadway improvements, consistent with applicant's APFO phasing requirements, prior to the release of building permit if the improvement has been constructed by another applicant with the same APFO off-site requirement. This stipulation is to be placed on other preliminary plan approvals requiring participation in the same roadway improvements.

(12) On-site parking will be provided for the first 480,000 square feet of development at a ratio of no greater than 3.3 spaces per 1,000 square feet of gross floor area. Prior to issuance of any building permits for the remaining 1,320,000 square feet of gross floor area, the applicant and Planning Department staff must reevaluate the on-site parking ratio of 3.3 spaces per 1,000 square feet of gross floor area for this remaining development. In reevaluating the parking ratio, the applicant and staff shall consider such factors as the availability and accessibility of transit and experienced parking demand for the first 480,000 square feet of development.

(13) Provide 10 foot public utilities easements adjacent to and parallel with all public rights of way on the site.

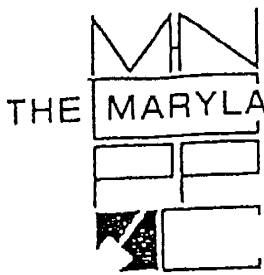
(14) To meet the Master Plan requirements for recreational facilities on site, prior to the submission of a record plat application, applicant to submit a recreation plan for staff approval that details on-site recreational facilities. This plan must include active recreation space, both indoor (health club) and outdoor facilities (play courts) for future employees of the project. A comprehensive path system that interconnects the site with off-site trails must also be provided. This recreation plan must include a staging element that properly phases the provision of recreation services with the overall development.

(15) As part of the revised preliminary plan required to satisfy other conditions, applicant must provide an additional 50 feet of setback for a total setback of 150 feet between the Mission Hills Subdivision and the proposed Lot #5, Block C.

(16) Other necessary easements.

ATTACHMENTS (3)

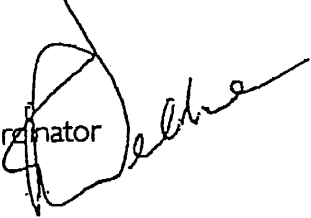
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November 5, 1996
REVISED

MEMORANDUM

TO: Joe Davis, Coordinator
Development Review Division

VIA: Ron Welke, Transportation Coordinator
Transportation Planning Division 

FROM: Ki H. Kim, Transportation Planner
Transportation Planning Division 

SUBJECT: Transportation APF Review for Belward Research Campus (Banks Farm)
Preliminary Plan No. 1-96110

This memorandum represents the Transportation staff's APF review of the full development of the Johns Hopkins' Belward Research Campus at the Banks Farm, which is located along the north side of MD 28 and Key West Avenue east of Muddy Branch Road. The proposed development under this preliminary plan includes a total of 1.8 million square feet of research and development (R&D) space.

Recommendations

Based on our review of the submitted traffic impact study, we recommend approval of the proposed development in the Shady Grove area with the following conditions.

1. Total development under this preliminary plan will not exceed 1,800,000 square feet of space under the R&D zone.
2. The applicant shall construct a second left-turn lane along westbound MD 28 at its intersection with Muddy Branch Road.
3. The applicant shall construct a separate right-turn lane along northbound Shady Grove Road at the intersection of Shady Grove Road with MD 28.
4. The applicant shall construct a second left-turn lane along both northbound and southbound Muddy Branch Road and along westbound Great Seneca Highway and a right-turn lane along eastbound Great Seneca Highway and along southbound Muddy Branch Road at the intersection of Muddy Branch Road with Great Seneca Highway

5. The applicant shall construct a second left-turn lane along eastbound Great Seneca Highway and along northbound Key West Avenue at the intersection of Key West Avenue with Great Seneca Highway
6. The applicant shall construct a second left-turn lane along both northbound and southbound Shady Grove Road and a third through lane along westbound Key West Avenue at the intersection of Key West Avenue with Shady Grove Road.
7. The applicant shall construct a second left-turn lane along southbound Shady Grove Road at the intersection of Shady Grove Road with Research Boulevard.
8. The applicant shall agree that full roadway improvements listed in Conditions 2, 3, and 7, and partial roadway improvements listed in Conditions 4, 5, and 6 be under construction prior to issuance of building permits for the initial 400,000 square feet of development. The partial roadway improvements include construction of: second left-turn lanes along both northbound and southbound Muddy Branch Road at Great Seneca Highway from Condition 4; a second left-turn lane along eastbound Great Seneca Highway at Key West Highway from Condition 5; and a third westbound through lane along Key West Avenue at Shady Grove Road from Condition 6. The remaining roadway improvements must be under construction prior to issuance of building permits for the development beyond the initial 400,000 square feet.
9. The applicant shall agree that all necessary roadway design work must be complete and approved by the Montgomery County Planning Board prior to issuance of building permits as identified in the above staging.

Summary of Local Area Transportation Review

The critical lane volume (CLV) impacts of the proposed development on critical intersections in the Shady Grove Area are presented in Table I. The following summarizes the Local Area Review.

1. Under existing traffic conditions, all intersections analyzed are operating at an acceptable CLV except for the PM condition at MD 28 and Great Seneca Highway (Line 1 of Table I)
2. Under background conditions (approved development traffic plus existing traffic with roadway improvements contained in the Approved Road Program), unacceptable CLVs are projected at most of the intersections analyzed. (Line 2 of Table I)
3. With the addition of the site traffic to the background condition and the proposed roadway improvements by the applicant in conjunction with approval of the subject site, all intersections analyzed in the Shady Grove area are projected to operate either at an acceptable level of service or at a level of service better than the background traffic conditions. (Line 3 of Table I)

The acceptable CLV for the R&D Village Policy Area is 1,525 according to the FY 97 Annual Growth Policy (AGP).

Staging Ceiling Capacity Review

Based on the FY 97 AGP Staging Ceiling capacity for the R&D Village Policy Area, there is capacity available for 8,650 jobs of employment development which is sufficient ceiling capacity to accommodate the full development of this preliminary plan.

Conclusion

Staff concludes that, with implementation of all roadway improvements currently programmed in the Approved Road Program and proposed by the applicant in conjunction with the subject preliminary plan, all nearby intersections are anticipated to operate either within an acceptable CLV or at a level of service better than the background development conditions. With staging ceiling capacity currently available in the R&D Village Policy Area for the subject preliminary plan, Staff concludes that the subject preliminary plan meets the APF review requirements.

KHK:kcw
Attachment

Table I

Intersection Capacity Analysis with Critical Lane Volumes
Under Various Development Schemes

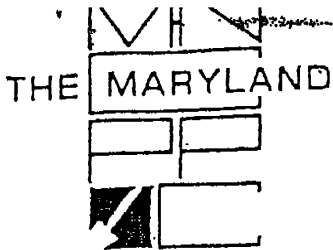
Preliminary Plan No. I-96110

Development Condition	Existing		Background with ARP Roadways		Total Traffic Condition with ARP and Proposed Roadways*	
	AM	PM	AM	PM	AM	PM
28/Muddy Branch Rd.	1341	1266	1608	1700	1606	1587
28/Key West Avenue	627	1044	1254	1284	1480	1364
28/Great Seneca Hwy.	1286	1524	941	1488	978	1515
28/Shady Grove Road	1138	1295	1592	1586	1472	1350
28/Glen Mill Road	1298	960	1508	1148	1525	1288
east Seneca Highway/Muddy Road	1806	2031	2382	2497	2251	2491
east Seneca Highway/Key West Avenue	1250	899	2149	1462	1670	1466
Shady Grove Road/ Key West Avenue	802	1308	1639	2154	1618	1890
Shady Grove Road/ Research Blvd.	1373	835	1823	1465	1404	1414

*Proposed roadway improvements include all roadway improvements listed as conditions of approval in the memo.

10-31-96

PPC



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

October 31, 1996

MEMORANDIUM

TO: Joe Davis
Malcolm Shaneman
Development Review Division

FROM: Gwen Marcus, Historic Preservation Coordinator
Patricia Parker, Historic Preservation Planner *PP*
Design, Zoning and Preservation

SUBJECT: Preliminary Plan #1-96110, Johns Hopkins Belward Research Campus

On September 25, 1996, the Historic Preservation Commission (HPC) met with five HPC Commissioners present and reviewed a subdivision plan, Preliminary Plan #1-96110, Johns Hopkins Belward Research Campus. The proposed subdivision involves Master Plan Site #20/21, Belward Farm/Ward House at Darnestown Road and Key West Avenue in Rockville. The subdivision proposes the creation of 1,800,000 square feet of research and development office space on 137.9790 acres.

The review of this subdivision proposal requested the HPC to determine a new environmental setting; comment on the appropriateness of the proposal and its potential impact on the historic farm property. In December, 1984, at the time of designation for this property, the HPC stated for the Montgomery County Council that, if developed, special attention should be given to the siting of new structures to provide a view of the house from MD Rt. 28. They also stated that potential does exist for utilizing this historic site in a way which could complement new development that may occur on the site.

Therefore, the HPC has indicated its willingness to review a proposal to reduce the environmental setting of the historic farmstead. At the suggestion of HPC Staff, the owner, Johns Hopkins University, working with LDR International Unlimited (developer) submitted an additional alternative (Alternative Two) to include a larger environmental setting of 6.98 acres.

Alternative One would establish a 5.00 acre environmental setting to include the historic drive, the main house and both barns. This alternative would maintain a 100' green space centered on the existing driveway connecting to Darnestown Road. All trees and wood farm fencing would be preserved. In this alternative, parking would be located in front of the historic

house and would be screened by a 4' berm running parallel to Darnestown Road. There would be no trees planted in this bermed area so that a view of the main house from Darnestown Road would be uninterrupted. Close to the farmstead trees would be planted to screen the new parking area from view as one looks out to Darnestown Road from the farmhouse which sits on a knoll.

Alternative Two would include more unimproved property at either side of the historic drive within a larger environmental setting. Within this alternative, some of the parking proposed to be located in the front yard of the main house is deleted and relocated to the rear of the main house at either side of one of the barns. The historic tree-lined drive and the painted board fencing would be retained - but within a wider viewshed from Darnestown Road. Berming along Darnestown Road would follow the reduced parking areas, rather than be located to run parallel along Darnestown Road. The parking would service certain buildings proposed to be used as a meeting center and for research and development.

The HPC did not recommend approval of either scheme. One Commissioner strongly favored Alternative Two. The remaining four Commissioners felt that the environmental setting should be larger ranging from 10 acres to almost 15 acres.

Also, two HPC Commissioners felt that a conference center for R & D should be developed and that parking lots should not be situated in front of the historic farmhouse. One Commissioner was concerned about siting 3-4 story office buildings close to the historic farmhouse as shown in the submittal. Another Commissioner felt that more land parallel to MD Rt. 28 and along Muddy Branch should be included within the environmental setting in recognition of the original location of the store (located closer to the corner of Muddy Branch and Rt. 28) and that interpretative signage should be a part of the proposal in recognition of the Civil War history associated with the property; the history of general stores in the County and of the Wards - an old storekeeping family in a community known as Hunting Hill, and the history of the property associated with the development of a farm community in this part of Montgomery County. One of the Commissioners also expressed concern about the change of MD Rt. 28 - from a rural road to a road with heavy vehicular traffic.

As a revised proposal becomes more fully developed, the HPC looks optimistically to the submission of a more detailed development proposal to address which structures are proposed for retention and for demolition.