

APR 4 2011



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

MCPB No. 11-17
Site Plan No. 82001009C
Project Name: Milestone Business Park
Hearing Date: February 17, 2011

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on April 24, 2003, the Planning Board approved the Corrected Preliminary Plan amendment No. 11987271A (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 approved under the original Preliminary Plan No. 119872710. The original Preliminary Plan approved the creation of three (3) lots on 42 acres of land zoned I-3;

WHEREAS, on February 3, 2011 the Planning Board held a hearing approving the Preliminary Plan amendment No. 11987271B; which grants a new 7 year validity period for the APF review that permits the peak-hour vehicle trips associated with the remaining 427,250 square feet;

WHEREAS, on July 21, 1999, the Planning Board approved the Site Plan No. 819990230 for 370,000 gross square feet of commercial office space;

WHEREAS, on January 17, 2001, The Planning Board approved the Site Plan No. 820010090 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;

WHEREAS, on April 12, 2007, The Planning Board approved the Consent Site Plan amendment No. 82001009A) to modify the development phasing; 2) adjust the net site area, building and green space square footages; 3) reduce parking counts; and 4) revise the loading, SWM, lighting and landscape areas;

WHEREAS, on December 12, 2008, the Administrative Site Plan amendment was approved by the Planning Director (Memorandum dated November 24, 2008) for

Approved as to
Legal Sufficiency:

Christina Sone 2/24/11

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minor revisions to the lighting and landscape plans, SWM easement locations, and grading;

WHEREAS, on January 13, 2011, Milestone Industrial L.C. c/o TC Mid-Atlantic Development, Inc. ("Applicant"), filed a site plan amendment application designated Site Plan No. 82001009C ("Amendment") for approval of the following modifications:

1. Reallocation of the density for Building 5, parcel J;
2. Modification to the development programming to add another phase;
3. Construction of Building 5 and the associated parking facilities;
4. Revisions to the previously approved SWM concept, lighting and landscape plans; and
5. The request of a parking waiver for the parking dimensions on standard parking spaces that directly abut green space areas.

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staff of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated February 7, 2011, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on February 17, 2011, Staff presented the Amendment to the Planning Board at a public hearing on the Amendment (the "Hearing") where the Planning Board heard testimony and received evidence submitted for the record on the Amendment; and

WHEREAS, on February 17, 2011, the Planning Board approved the Amendment subject to conditions on the motion of Commissioner Dreyfuss, seconded by Commissioner Presley, with a vote of 4-0, Commissioners Carrier, Dreyfuss, Presley and Wells-Harley voting in favor. Commissioner Alfandre was not in attendance for this hearing.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves the Site Plan No. 82001009C, subject to the following conditions:

1. Preliminary Plan Conformance

The proposed development must comply with the conditions of approval for the limited preliminary plan 11987271B as listed in the Planning Board Resolution unless amended. This includes but is not limited to all references to the APF requirements, density, rights-of-way, dedications, easements, transportation conditions, and DPWT conditions.

2. Site Plan Conformance

The proposed 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. Stormwater Management

The proposed development is subject to the Stormwater Management Concept approval conditions unless amended and approved by the Montgomery County Department of Permitting Services.

4. Transportation & Circulation

The applicant must enter into a Traffic Mitigation Agreement (TMAg) with MCDOT and M-NCPPC to satisfy the I-3 up to 10% trip reduction requirement at the time of certified site plan review.

5. Site Design

- a. Wheel stops must be installed within all parking spaces directly adjacent to pedestrian sidewalks.
- b. The north side of the proposed parking garage must be completely buffered with dense evergreen trees from major views toward the residential units.

6. Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for commercial development.
- b. All onsite light fixtures must be full cut-off fixtures.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads and residential properties.
- e. The maximum height of the light poles shall not exceed 23 feet including the mounting base. The light poles proposed on the top level of the parking garage must have a "pyramid effect" with the tallest light poles within the center of the parking facility. The light poles proposed along the perimeter of the parking facility shall not exceed 12 feet from the parking surface level to ensure no glare or excessive illumination abutting the residential properties.

7. Development Program

The Applicant must construct the proposed development in accordance with a development program 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. On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, and bicycle facilities must be installed prior to release of any building occupancy permit.
- b. Clearing and grading must correspond to the construction phasing to minimize soil erosion.
- c. The development program must provide phasing for installation of on-site landscaping and lighting.
- d. Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
- e. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, trip mitigation, and other features.
- f. The Applicant must construct the 179 parking spaces identified for the Corridor City Transitway (CCT) prior to the opening of the transit station or during Phase IV of the site plan phasing program; whichever comes first.

8. Certified Site Plan

Prior to 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 stormwater management concept approval, development program, inspection schedule, and Site Plan Resolution on the approval or cover sheet.
- b. Add a note to the Site Plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".
- c. Modify data table to reflect development standards enumerated in the Staff Report.
- d. Ensure consistency off all details and layout between Site Plan and landscape plan.

BE IT FURTHER RESOLVED, that the Planning Board adopts the Staff's recommendation and analysis set forth in the revised Staff Report and FINDS that the Amendment is consistent with the provisions of § 59-D-3.7 of the Zoning Ordinance and that the Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in connection with the originally approved site plan; and

BE IT FURTHER RESOLVED that all site development elements as shown on Milestone Business Park drawings stamped by the M-NCPPC on January 25, 2011 and within the revised development program and standards listed below, shall be required, except as modified by the above conditions of approval;

New Development Program	Previously Approved (sf.)	Proposed (sf.)
Phase III: Building 5, Parcel J	200,550 sf.	175,000 sf.
Office	180,000 sf.	175,000 sf.
Restaurant	12,500 sf.	0
Retail	8,050 sf.	0
Parking Facilities for Parcel J		
Surface Parking	625 spaces	276 spaces
Garage Parking	724 spaces	459 spaces
Motorcycle	20 spaces	N/A
Bike Spaces	20 spaces	20 spaces
Total Parking (to be constructed)	N/A	743 spaces
Phase IV: Building 3, Parcel L	226,700 sf.	252,250 sf.
Office	202,200 sf.	227,750 sf.
Restaurant	12,500 sf.	12,500 sf.
Retail	7,000 sf.	7,000 sf.
Day Care	5,000 sf.	5,000 sf.
Total Net Parking (to be constructed)	N/A	559 spaces
Total No. of Parking Spaces (for the entire project)	3,408 spaces	3,220 spaces

Project Data Table for the I-3 Zone

Development Standard	Permitted	Proposed for Approval
Building Height (feet)	100 feet	100 feet
Building Setbacks (feet)		
An existing or planned limited access freeway	200 feet	250 feet
A major highway in the I-3 zone	100 feet	230 feet
An arterial road, local street, or private street within the I-3 or R&D zones.	25 feet	70 feet
An arterial road that separates the zone from a commercial or industrial zone.	25 feet	500 feet
A transitway	25 feet	25 feet
Parking/ Loading Setbacks (feet)		
An existing or planned limited access freeway	100 feet	100 feet
A major highway in the I-3 zone	100 feet	100 feet
An arterial road, local street, or private street within the I-3 or R&D zones.	35 feet	35 feet
An arterial road that separates the zone from a commercial or industrial zone.	35 feet	350 feet
A transitway	25 feet	25 feet
Internal Parking Lot Green Space (% of lot) for phase III	5%	8.08 %
Impervious Area (%/ac) for phase III	N/A	54.6% (4.53 ac.)
Total No. of Parking Spaces	3,408 spaces	3,220 spaces

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

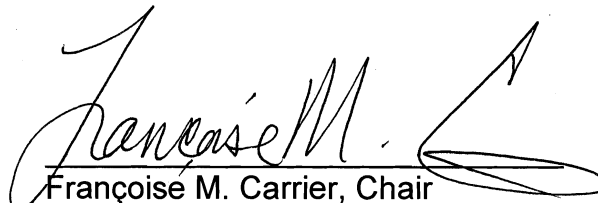
BE IT FURTHER RESOLVED, that the date of this Resolution is APR 4 2011 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Alfandre, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Alfandre and Dreyfuss voting in favor of the motion, and with Commissioner Presley absent, at its regular meeting held on Thursday, March 3, 2011, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board