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

MCPB No. 11-72

Preliminary Plan No. 11996110A

Johns Hopkins University Belward Campus

Date of Hearing: July 21, 2011

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on March 6, 1997, the Planning Board approved 1.8 million square feet of office and R&D use on a 138 acre tract of land located in the northeast quadrant of the intersection of Muddy Branch Road and Maryland Route 28 (MD 28) (the "Original Development Tract"), in the Great Seneca Science Corridor (GSSC) Master Plan ("Master Plan") area; and

WHEREAS, approximately 390,000 square feet of the approved 1.8 million square feet has been constructed on 30 acres of the Original Development Tract, with the remaining 1,410,000 square feet of approved density to be constructed on the remaining 108 acres of the Original Development Tract ("Property" or "Subject Property") in the LSC Zone; and

WHEREAS, on February 28, 2011, Johns Hopkins Real Estate ("Applicant") filed an application for approval of a preliminary plan amendment for the creation of two recorded parcels on the Property; and

WHEREAS, Applicant's preliminary plan amendment application was designated Preliminary Plan No. 11996110A, Johns Hopkins University Belward Campus ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated July 11, 2011, setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

Approved as to
Legal Sufficiency:

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WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staff of other governmental agencies, on July 21, 2011, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on July 21, 2011, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Presley; seconded by Commissioner Anderson; with a vote of 4-0, Commissioners Anderson, Carrier, Presley, and Wells-Harley voting in favor, and Commissioner Dreyfuss absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board APPROVED Preliminary Plan No. 11996110A, subject to the following conditions:

1. Total development under the subject Preliminary Plan Amendment is limited to the remaining 1,410,000 square feet of the original 1,800,000 square feet of R&D uses approved.
2. The Applicant must submit a Final Forest Conservation Plan for the entire Preliminary Plan site to be approved with the first Site Plan submitted.
3. The Applicant must plat and record Category I Conservation Easements over all onsite retained and planted forest prior to any clearing or grading occurring on site.
4. The Applicant must install the forest plantings in the 200-foot wide Mission Hills Preserve within two planting seasons following the release of the first sediment control permit associated with the first Site Plan.
5. The Applicant must install the remaining forest plantings within one year of issuance of the sediment control permit for the second Site Plan.
6. The Applicant must submit and obtain approval of the forest conservation financial security instrument prior to any clearing or grading occurring on site.
7. If a forest mitigation bank is to be used to meet the offsite plantings, a certificate of compliance to use a forest mitigation bank must be accepted by the Planning Department Associate General Counsel's office and recorded in the Montgomery County Land Records prior to any clearing or grading occurring on site.
8. If the Applicant chooses to plant forest at an offsite location the location must be identified per section 109.B(2)(f) of the forest conservation regulation and forest planted within one year of the issuance of the sediment control permit for the second site plan.
9. Final disposition of a Category II Easement on the environmental setting of Belward Farm to be determined at time of Final Forest Conservation Plan approval.

10. The total amount of on-site vs. off-site forest planting to be done to be determined at time of Final Forest Conservation Plan approval.
11. Applicant must use a road construction design and construction techniques such as bridging or bottomless culvert to avoid the wetland and wetland buffer in the north central portion of the site.
12. The Applicant must dedicate, and the record plat must reflect, the master-planned recommended 150-foot right-of-way for Belward Campus Drive (A-284) as shown on the preliminary plan that includes the 50-foot wide Corridor Cities Transitway (CCT), the CCT station, and the shared use path.
13. At the time of the relevant site plan, the Applicant must construct (i.e., permitted and bonded) the portion of Belward Campus Drive, including the shared use path, necessary to serve the development included in that site plan.
14. The Applicant must dedicate, and the record plat must reflect, an additional 30-feet of right-of-way where needed along Muddy Branch Road, between MD 28 and Belward Campus Drive as shown on the preliminary plan, to provide the master-planned minimum right-of-way width of 150 feet, and construct the sidewalk and shared use path in accordance with road code standard No. 2008.04/2008.08 at the time of the relevant site plan.
15. The Applicant must dedicate, and the record plat must reflect, an additional 50-feet of right-of-way where needed along Muddy Branch Road, between Belward Campus Drive and the northern property line as shown on the preliminary plan, to provide the master-planned minimum right-of-way width of 170 feet, and construct the sidewalk and shared use path in accordance with road code standard No. 2008.04/2008.08 at the time of the relevant site plan.
16. The Applicant must dedicate, and the record plat must reflect, an additional 25-feet of right-of-way where needed along Darnestown Road (MD 28) as shown on the preliminary plan, to provide the master-planned minimum right-of-way width of 150-feet, and construct the sidewalk and shared use path in accordance with road code standard No. 2008.04 at the time of the relevant site plan.
17. The Applicant must provide a public use easement for the recommended 70-foot right-of-way for business district streets B-3 and B-4, and the boundary of the easements must be shown on the record plat. The roads must be constructed to public standards and in accordance with the road code standard No. 2005.02, including sidewalks and amenities, unless modifications are approved by the Montgomery County Department of Transportation (MCDOT) and the Planning Board at the time of site plan. The final extent, delineation and alignment of these roads shall be determined at the time of the relevant site plan. The easements must be approved by M-NCPPC and MCDOT, and must include, at a minimum, provision for the following:
 - a. The road will not be closed for any reason unless approved by MCDOT;
 - b. Approval by the Montgomery County Department of Fire and Rescue Services (MCF&R) must be obtained for purpose of fire access;

- c. The public easement must be volumetric to accommodate uses above or below the designated easement area;
 - d. If required by the County, Applicant will install, or will allow the County to install appropriate traffic control devices within the public easement;
 - e. Maintenance and liability agreements that identify the Applicant's responsibility to maintain all of the improvements within the easement area in good fashion and in accordance with applicable laws and regulations; and
 - f. Public utilities consistent with conditions of approval of the preliminary plan may be installed within such easement.
18. The Applicant must enter into a Traffic Mitigation Agreement with MCDOT and the Planning Board to participate in the Greater Shady Grove Transportation Management Organization. The Traffic Mitigation Agreement must be executed prior to certified site plan for the first building and modified as needed prior to certified site plan for the successive buildings.
19. The Applicant must work with the Maryland Transit Administration (MTA) regarding the alignment of the CCT and the location of the proposed CCT station.
20. All private internal roadways must be constructed in accordance with the Design Guidelines and Road Code cross-section requirements as modified to satisfy the Master Plan recommendations. Future site plans must determine the extent and timing of construction of the internal private roads necessary to support the development proposed by the relevant site plan.
21. The Applicant must prepare and submit a queuing study along Darnestown Road prior to the first certified site plan. The Applicant must satisfy provisions for access and operational improvements as required by the Maryland State Highway Administration (MDSHA) prior to release of any use and occupancy permit.
22. The Applicant must provide a ten-foot wide shared use path on Private Road "D".
23. The Applicant must provide inverted-U bike racks within 50 feet of the main entrances and secured bike storage units (such as lockers) in the parking garages in a well-lit area near the garages' exit or entrance. The final locations and types of bicycle parking must be reviewed and approved by planning staff at site plan review.
24. The record plat must reflect a public use and access easement over all private streets and adjacent parallel sidewalks. This easement must be recorded by deed prior to the first building permit after each site plan is approved.
25. The Applicant must comply with the conditions of approval of MCF&R letter dated June 16, 2011. These conditions may be amended by MCF&R, provided the amendments do not conflict with other conditions of the preliminary plan approval.
26. The Applicant must comply with the conditions of approval of the MCDOT letter dated June 17, 2011. These conditions may be amended by MCDOT, provided

the amendments do not conflict with other conditions of the preliminary plan approval.

27. The Applicant must comply with the conditions of approval of the Maryland State Highway Administration (MDSHA) letter dated June 17, 2011. These conditions may be amended by MDSHA, provided the amendments do not conflict with other conditions of the preliminary plan approval.
28. The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management concept approval letter dated June 15, 2011. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
29. The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s), as applicable.
30. The Applicant must provide a ten-foot public utility easement parallel, contiguous and adjacent to the rights-of-way of Belward Campus Drive, and Master Planned Roads B3 and B4, unless an alternative alignment is agreed upon by the applicable utility companies at the request of the M-NCPPC prior to certification of the site plan and recordation of the plat.
31. No clearing, grading, or recording of plats prior to certified site plan approval.
32. Final approval of the number and location of buildings, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
33. In the event that a subsequent site plan approval substantially modifies the subdivision shown on the approved preliminary plan with respect to lot configuration or right-of-way location, width, or alignment, the applicant must obtain approval of a preliminary plan amendment prior to certification of the site plan.
34. As required by the Great Seneca Science Corridor (GSSC) Master Plan, a Concept Plan is being approved as part of this Preliminary Plan. Any subsequent Site Plan must generally conform to the approved Concept Plan.
35. Open Space Areas shown on the Concept Plan must be provided as part of subsequent Site Plans as recommended in the GSSC Master Plan.
36. 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 for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."
37. The Adequate Public Facilities (APF) validity period for the remaining 1,410,000 square feet of R&D use is subject to the phasing schedule as follows:

- Building permits for 200,000 SF of the remaining 1,410,000 SF of development must be issued before April 6, 2018.
- Building permits for of the next 500,000 SF of the remaining 1,410,000 SF of development must be issued before April 6, 2020.
- Building permits for of the last 710,000 SF of the remaining 1,410,000 SF of development must be issued before April 6, 2025.

The APF approval for the square footage identified in each phase above will expire on the specified dates, and any square footage that has not been included in a building permit issued by that date may not be used in any subsequent phase unless a new finding for APF has been made.

38. All necessary easements must be shown on the Record Plat.
39. The Applicant shall adjust the internal access roads shown on the Preliminary Plan and Concept Plan so that all paving is located outside of the 200-foot Mission Hills buffer prior to submitting the final mylar for the Preliminary Plan.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff as presented at the Hearing and as set forth in the Staff Report (revised at the Hearing), which the Board hereby adopts and incorporates by reference and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

Great Seneca Science Corridor Master Plan

The project is located within the LSC of the GSSC Master Plan area. The LSC includes five districts. The Subject Property is located within the Belward District. The Master Plan recommends increased density on the Belward property (1.0 FAR) to be served and supported by a CCT transit station. Higher densities and building heights are to be located near the transit station. Master Plan recommendations aim to achieve a concentrated and compact form of development for Belward that is centered around transit. The design of Belward should be sensitive to the residential neighborhoods that surround the site. The Master Plan recommends substantial open spaces and buffers on the three sides of the Property that are nearest to existing residential neighborhoods. Compatible transitions and buffers for the adjacent single-family neighborhoods are critical. Heights should transition from the highest (150-foot maximum) at the transit station to lowest at the edges of the property (50-foot maximum) and immediately adjacent to the historic area (60-foot maximum). Rear walls and service areas should not face surrounding neighborhoods, and parking should be located in garages that are placed in the center of blocks and surrounded by buildings.

The Property's historic Belward Farm is approximately 7 acres in size including the environmental setting, and is proposed to be expanded to approximately 10 acres in size as recommended by the Master Plan. The Master Plan recommends preserving

views of the farmstead to the extent practical, and to use the site, including the house and barns, for recreational, educational, social, or cultural uses that complement the community and new development. The open space system for the Belward District includes an extensive network of passive and active recreation linked by an internal path system with connections to the LSC Loop and the surrounding communities. Placing parks and open spaces around the edges of Belward provides compatible transitions and buffers for the adjacent single-family neighborhoods. In total, the Preliminary Plan will offer nearly 50 acres of open space. Per pages 43-44 of the Master Plan, the Muddy Branch Park will be required to be substantially completed before the property owner receives building permits for more than 25 percent of the total development allowed on the Property. Connectivity to and from the surrounding neighborhoods will be emphasized.

Property Recommendations and Concept Plan

The Land Use & Zoning Recommendations for the Life Sciences Center (LSC) Belward area of the Master Plan require submittal of “a Concept Plan with the first Preliminary Plan application to address the Plan’s guidelines, including the CCT location, the highest densities and height at transit stations, preservation of the historic property and views of the farmstead, creation of a local street network and the LSC Loop, the open space system, neighborhood buffers, and connections from surrounding residential neighborhoods” (page 43). Each of these issues is addressed by topic below.

CCT Location

The Master Plan recommends that the CCT route enter the subject site from the southeast, travel along Belward Campus Drive, and exit the site on the western edge where it will turn to the north along Muddy Branch Road. A station is recommended midway along Belward Campus Drive.

The Applicant’s Preliminary Plan and Concept Plan follows the general alignment recommended in the Master Plan with minor modifications based on a more detailed site analysis and input from the Maryland Transportation Administration (MTA). Final alignment and dedication of the transitway will be determined during site plan review when the detailed site layout is designed. The MTA believes the CCT can be accommodated within the 150-foot right-of-way of Belward Campus Drive as shown on the Preliminary Plan.

The station is proposed further to the west of the initial recommendation to take advantage of a more centralized location. This location also allows the station plaza to act as an open space across from the historic site with buildings framing the area.

The Applicant has been able to work with MTA to limit crossings of the proposed “Muddy Branch Park” by co-locating the CCT alignment and Belward Campus Drive. During Site Plan review, the final alignment and plaza design should ensure that

pedestrian and transit user comfort and usability are maximized and that views and access to the historic site, open spaces, and circulation system are optimized.

Density & Height Near Transit

The Master Plan recommends the LSC zone with a density limit of 1.0 FAR for the Subject Property. Maximum building heights are recommended from 50 feet at the edges of the property and next to the buffer areas along Muddy Branch Road and Darnestown Road, to 60 feet around the historic site to 150 feet near the transit station. Street walls are suggested by the “build-to lines” in the Master Plan.

The Applicant’s Concept Plan follows the Master Plan guidelines regarding density and height. As shown, within the building envelopes of allowed height, the 1.0 FAR is dispersed between lower buildings to the north and west and higher buildings towards the center and east. The proposed lot and street layout of the Preliminary Plan will accommodate the Master Plan’s vision for this density.

Per the Concept Plan, building façades facing the houses along Mission Drive and those along the western end of the Property’s frontage along Darnestown Road are shown as four to six stories, with any buildings higher than four stories stepping back the upper floors as required by the Master Plan. As shown on the Concept Plan, these buildings should be sited to minimize the “wall effect” along Darnestown Road by breaking up the massing and respecting the 60-foot “Darnestown Promenade” recommended between the buildings and the property line. A minimum 200-foot buffer, most of which will be planted and protected with a forest conservation easement, is proposed along the northern property line in accordance with the Master Plan. A 12-acre park is also recommended along Muddy Branch Road, while the Applicant is providing approximately 14.87 acres for the park.

Transitional areas between the edges and the center of the site can expect to have buildings ranging between six and seven stories (with a maximum height of 110-feet) with upper stories stepped back near the historic site, open spaces, and key pedestrian circulation routes. Some flexibility is appropriately being maintained within the allowed building height for this area (up to 110 feet) to allow for final design modifications at the time of site plan review.

The highest densities and heights are focused on the blocks where the CCT station is proposed and to the east, adjacent to similar uses and expected building types. These buildings will likely vary between six and 13 stories; while some tower elements may approach the maximum 150-foot height limit. Massing and heights of these buildings will be finalized during site plan review, but should maintain a comfortable pedestrian environment using tower step backs and smaller floor plates for the taller elements. Retail, service, and restaurant uses will be needed within these buildings to accommodate the needs of employees and visitors.

Historic Property

The Master Plan has four specific recommendations regarding Belward Farm:

- Preserve views of the farmstead, to the extent practicable, from Darnestown Road and residential neighborhoods to the south and west, consistent with other Master Plan objectives for this site.
- Step new buildings down to 60 feet (approximately four stories) adjacent to the Belward Farm.
- Use the site, including the house and barns, for recreational, educational, social, or cultural uses that complement the community and new development.
- Preserve open space and mature trees surrounding the farmstead. Retain an environmental setting large enough to convey the agricultural character of the historic resource, between 10 and 12 acres.

The Applicant's Preliminary Plan and Concept Plan includes an open area of approximately 10.7 acres surrounding the property. The Concept Plan proposes buildings of various heights stepped down to a maximum of 60-feet (approximately three or four stories) along the façades facing the farm. Trees and landscaping will be preserved and augmented. Vehicular, bike, and pedestrian circulation will be enhanced around and through the site.

"Belward Commons and Historic Farmstead" Concept

Important views of the historic farm are framed by buildings oriented along converging roads from the north, interior gridded blocks to the east and west, and a completely open vista to the south framed by buildings set 100 to 150 feet back from Darnestown Road. Finally, a system of educational signage will be placed along the paths surrounding the site.

Circulation System & Links to Adjacent Neighborhoods

The Master Plan recommends numerous mobility improvements for LSC Belward. These include:

- Construction of the CCT and station,
- Extension of Decoverly Drive and Belward Campus Drive,
- Creation of a network of streets within the site,
- Creation of a pedestrian network,
- Implementation of the LSC Loop,
- Connection of recreational trails and bikeways,
- Links to surrounding neighborhoods, and
- Road improvements.

The Applicant's Preliminary Plan and Concept Plan addresses each of these recommendations and illustrates them in their circulation plan, which shows the CCT alignment and station, pedestrian sidewalks and paths, and the LSC Loop Connection.

All of the internal streets, which form an urban-scale network of blocks, will have sidewalks that connect to adjacent properties and the open spaces within the site. These sidewalks are augmented by paths along or through the historic farm area, the Darnestown Promenade, Muddy Branch Park, and the "Mission Hills Forest Preserve".

Dedication of the CCT right-of-way, Belward Farm Drive right-of way, and expansion of the rights-of way for Muddy Branch Road and Darnestown Road will allow for the recommended vehicular and transit improvements. All other internal roads will be built to public road standards, maintaining the mobility and design objectives of the Master Plan, but maintained privately with access easements over the right-of-way width that would otherwise be required.

Open Space System

The Master Plan has numerous open space recommendations for the Belward Campus Site. These include the creation of Muddy Branch Park (1) along the west side of the site, Mission Hills Preserve; (2) along the northern side of the site, Darnestown Promenade; (3) along the southern edge of the site, Belward Commons and Historic Farmstead; (4) surrounding the historic farm; and (5) an Urban Square at the CCT Station.

Each of the recommended Master Plan open spaces are provided in the Applicant's Preliminary Plan and Concept Plan as required. Further, grading plans have been sketched for the Parks Department to ensure that the expected programming and uses of the various open spaces can be accommodated.

Proposed Open Space Concept

One of the concerns raised during review was the quality of the non-recommended open spaces on site, i.e., the spaces around and in between buildings that will create another layer of pedestrian enjoyment and urban amenity. This question was raised because of the numerous situations where corridors are created between buildings to access parking or as mid-block connections. The Applicant has provided examples that will be used as paradigms from which they will draw inspiration during detailing of the site plan design. Staff will require that the space between buildings ties into the larger open space areas of the Belward Campus during Site Plan review.

Neighborhood Buffers

Three of the above mentioned open spaces are recommended for implementation to certain dimensions to provide buffering between the higher intensities of development on site and the lower densities of existing housing to the north, west, and south.

Specifically, Muddy Branch Park will be a location for active and passive recreation that can accommodate playing fields on a minimum of 12 acres that is at least 100 feet deep. The proposed park is over 12 acres and is a minimum of 230 feet deep with 3 areas that can accommodate recreation areas and playing fields. Final design and programming will be discussed and reviewed with the first site plan application.

Mission Hills Preserve will serve as a 200-foot buffer between the proposed development and the Mission Hills residential neighborhood to the north; this area also serves as a conservation easement and protects floodplains and stream valleys. The Preliminary Plan and Concept Plan places all buildings at least 200 feet from the property line to the north and outside of all environmental buffers; the area itself covers approximately 18 – 20 acres.

Finally, the Darnestown Promenade will serve as a 60-foot wide, 3-acre open space that maintains vistas to the farmstead, includes a landmark sign, and creates a tree-lined path connecting to sidewalks and trails to the east and west. The Preliminary Plan and Concept Plan provides a promenade that is 60 feet deep along the proposed buildings in the southwest corner of the site and expands to well over 100 feet deep between the proposed commercial buildings in the southeast corner of the site and Darnestown Road. Details of the paths, signage, etc. will be provided at the time of site plan review.

Therefore, the Board finds the Preliminary Plan and Concept Plan to be in substantial conformance with the GSSC Master Plan.

2. Public facilities will be adequate to support and service the subdivision.

Site Access and Vehicular/Pedestrian Circulation

The site is located in the northeast quadrant of the intersection of Muddy Branch Road and MD 28 with two vehicular access points from Muddy Branch Road and MD 28, and one vehicular access point on the eastern property line with the extension of Belward Campus Drive. The access points and the vehicular circulation system shown on the Preliminary Plan are adequate to provide sufficient capacity for safe and efficient circulation into and from the site. In particular, parking and driveways are sufficiently separated for through movement and safe maneuvering. The Applicant will upgrade the pedestrian and bicycle facilities along the fronting roadways and the internal roadways to ensure easy and safe access for pedestrians to and from the site. Detailed circulation will be decided at later phases as subsequent site plans are submitted for review, but it

should generally conform to what is approved in this Preliminary Plan. Also, the State Highway Administration (SHA) is requiring a queuing study along Darnestown Road to ensure that the access points will not result in any adverse impact as described in Condition No. 22. The pedestrian facilities and circulation system are safe and adequate.

Transportation Management District

The site is located within the boundary of the Greater Shady Grove Transportation Management District (TMD) and therefore, the Applicant must participate with the TMD and assist the County in achieving and maintaining its non-auto driver mode share goals.

Available Transit Service

Ride-On route 56 operates on Darnestown Road, and Ride-On route 67 operates on Muddy Branch Road.

Master Plan Roadway, Corridor Cities Transitway, and Right-of-way

The approved and adopted 2010 GSSC Master Plan recommends a minimum right-of-way width of 150 feet for Belward Campus Drive, MD 28, and the section of Muddy Branch Road from MD 28 to Belward Campus Drive. The Master Plan recommends a minimum right-of-way width of 170 feet for section of Muddy Branch Road from Belward Campus Drive to the northern edge of the Property. The 20 feet of additional right-of-way is to accommodate the CCT as it continues north to Great Seneca Highway. The Belward Campus Drive right-of-way is also designated to accommodate the Corridor Cities Transitway (CCT). All of the dedications above are shown on the Preliminary Plan, and are included as conditions of approval.

The MTA has approved the alignment of the CCT within the right-of-way for Belward Campus Drive as shown, but in the future, MTA will need to revisit this to evaluate the possibility of a CCT alignment toward the north side of Belward Campus Drive as shown on the Preliminary Plan because MTA is concerned about how the alignment crosses Belward Campus Drive and Johns Hopkins Drive from Key West Avenue, and how the alignment might cut into the corner of the park area as it turns right onto Muddy Branch Road.

As discussed above, for business district streets B-3 and B-4 the Master Plan recommends a minimum right-of-way width of 70 feet, which will be provided by easement and shown on the plat. The internal private street network will also be required to have public access easements as part of the site plan reviews. Those easements would be recorded by deed. Thus, it will not be possible to show all the easements associated with internal streets on the record plat because the ultimate location will not be certain until individual site plans are reviewed.

Sector-Planned Roadways and Bikeways

In accordance with the Master Plan, the classified roadways and bikeways are as follows:

1. Darnestown Road is designated as a six-lane major highway, M-22, with a recommended 150-foot right-of-way and a dual bikeway (bike lanes and a share use path on the north side), DB-16. The required right-of-way is shown on the Preliminary Plan.
2. Muddy Branch Road is designated as a six-lane major highway, M-15, with a recommended 150-foot right-of-way and a dual bikeway (bike lanes and a share use path on the east side), DB-24 from Darnestown Road to Belward Campus Drive, and is recommended as a 170-foot right-of-way and a dual bikeway, DB-24, from Belward Campus Drive to Great Seneca Highway. The required right-of-way is shown on the Preliminary Plan.
3. Belward Campus Drive (Decoverly Drive Extended in the Master Plan) is a four-lane arterial, A-284, with a recommended 150-foot right-of-way that includes the roadway, a shared use path, SP-66/LB-7, and the CCT. The required right-of-way is shown on the Preliminary Plan.
4. Business district street, B-3, with a recommended two-lane 70-foot right-of-way. The right-of-way may be placed in a public use and access easement as shown on the Preliminary Plan.
5. Business district street, B-4, with a recommended two-lane 70-foot right-of-way. The right-of-way may be placed in a public use and access easement as shown on the Preliminary Plan.

Local Area Transportation Review and Policy Area Mobility Review

The APF validity period for 1,410,000 square feet of development on the Subject Property was extended by the Planning Board on September 23, 2010 and will phase out and eventually expire in April 2025.

Table 1 below shows the number of peak-hour trips generated by the previously approved land use during the weekday morning peak period (6:30 to 9:30 a.m.) and the evening peak period (4:00 to 7:00 p.m.):

<i>R&D Office Space</i>	<i>Site-Generated Peak-Hour Trips</i>	
	<i>Morning</i>	<i>Evening</i>
Existing	225	182
Unbuilt Approved	573	476
Total Approved	798	658

As a requirement for the APF validity extension, a traffic study was submitted that analyzed the following nearby intersections:

1. Key West Avenue (MD 28) and Darnestown Road
2. Great Seneca Highway (MD 119) and Darnestown Road (MD 28)
3. Darnestown Road (MD 28) and Travilah Road
4. Darnestown Road (MD 28) and Muddy Branch Road
5. Darnestown Road (MD 28) and Tschiffely Square Road
6. Key West Avenue (MD 28) and Omega Drive/Medical Center Drive
7. Key West Avenue (MD 28) and Diamondback Drive/Broschart Road
8. Key West Avenue (MD 28) and Great Seneca Highway (MD 119)
9. Great Seneca Highway (MD 119) and Sam Eig Highway
10. Great Seneca Highway (MD 119) and Muddy Branch Road

The APF test was satisfied for the Local Area Transportation Review (LATR) test. The Policy Area Mobility Review (PAMR) test did not apply for preliminary plans of subdivision filed before 2009.

Other Public Facilities and Services

Per the currently valid APF approval, other public facilities and services are available and will be adequate to serve the previously approved office use. The site will be served by public water and sewer. Gas, electric and telecommunications services are also available to serve the property. Police stations, firehouses, health services, and schools were found to be operating within the standards set by the Growth Policy Resolution in effect at the time. MCFRS determined that the property has adequate access for emergency vehicles. The property is within a school cluster that currently requires a school facilities payment; however, residential uses are included in the Preliminary Plan.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

The lots have been reviewed for compliance with 50-29(a) of the Subdivision Regulations. The Planning Board finds that the size, shape, width, and area of the lots were appropriate for their location within the subdivision.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

Environmental Inventory

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) for the site was approved by Environmental Planning staff on June 17, 1996. There are no floodplains on the project site. The site contains streams plus their buffers and wetlands and associated buffers.

The topography is generally gently rolling, with two stream valleys draining the site from south to north. One stream valley bisects the north central portion of the Property and the other occupies the northeastern edge. A wetland has been identified just south of the delineated beginning of the north central stream channel. Approximately 4 acres of mature hardwood forest exist on the upland above the stream valley on the eastern side of the site. This dominant canopy species in this forest include white oak (*Quercus alba*) and northern red oak (*Quercus rubra*). Part of the eastern portion of the Property is underlain by serpentinite bedrock. No threatened or endangered species have been identified on the site. Several shingle oaks (*Quercus imbricaria*), which are designated watchlist species by the Maryland Department of Natural Resources, exist on the subject property; watchlist species do not have any formal protection under the law. The site is in the Muddy Branch watershed, which is classified as a Use Class I stream. The Muddy Branch watershed in the vicinity of the Belward Campus is listed as being in fair condition as reported on the Montgomery County Department of Environment Protection (DEP) website.

Therefore, the Board finds this plan complies with the Montgomery County Environmental Guidelines.

Forest Conservation

A Preliminary Forest Conservation Plan approved for the original 138 acres on November 6, 1996 is being amended to conform to the new road and lot layouts being proposed in Preliminary Plan #11996110A.

The amended Preliminary Forest Conservation Plan proposes clearing 25.13 acres of forest, with a retention area of 4.67 acres. The resulting forest planting requirement is 34.37 acres. The amended Preliminary Forest Conservation Plan establishes a 17.88 acre Category I Conservation Easement, including the 200-foot-wide Mission Hills Forest Preserve along the northern boundary of the Property and including both stream buffers, plus some of the upland forest along the eastern edge of the site. The remaining forest conservation requirements will be met with a combination of other mitigation approaches, including credit for previous planting, partial credit for Category II easements, and off-site planting. The exact prescription for satisfaction of the remaining 16.49 acres of mitigation will be determined at the time of Final Forest Conservation Plan approval, which will be associated with the first site plan, but may include establishing a Category II easement over plantings in the environmental setting for the historic farmstead, which would require approval from the Historic Preservation Commission and planting of additional canopy trees. Further, any proposed disturbance of trees in the environmental setting would also require a variance which must be approved by the Planning Board and the Historic Preservation Commission staff as part of the Final Forest Conservation Plan approval.

The Applicant will prepare one Final Forest Conservation Plan for the entire Property, to be approved with review and approval of the first Site Plan on the Property. The required mitigation will be split into two phases: the first phase will involve planting in the 200-foot-wide Mission Hills Forest Preserve to begin establishing the vegetated buffer between the Belward Campus and the Mission Hills community adjacent to the campus on the north. This planting will be required within the first two growing seasons after obtaining the sediment control permit for the first Site Plan approved on the site. The remainder of the mitigation, including planting of the stream buffers, will be required within one year of obtaining the sediment control permit for the second Site Plan approved on the site.

Wetland Protection

The wetland that arises just south of the stream in the north central portion of the site was identified on the NRI/FSD that was approved in 1996. The original Preliminary Plan for this site respected this wetland and its buffer. This wetland and buffer were also identified as regulated areas in Appendix 5 (Environmental Resources Analysis) of the GSSC Master Plan.

This Amendment moves and reconfigures the parking structure to get it out of the wetland buffer. A road still crosses the buffer north of the parking structure, however this road has been identified in the Master Plan as being necessary for the internal traffic circulation on the site. Road design and construction techniques, such as bridging or the use of a large bottomless culvert, must be employed to keep road structures out of the wetland and buffer.

Therefore, with the conditions of approval, the Board finds the preliminary plan satisfies the requirements of the Forest Conservation Law.

- 5. The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan approval meets MCDPS' standards.*

The MCDPS Stormwater Management Section approved the stormwater management concept for the site on June 15, 2011. The stormwater management concept proposes to meet required stormwater management goals via green roofs, bio-swales, permeable concrete and micro-bioretenion.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded

among the Montgomery County Land Records or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that the date of this Resolution is NOV 2 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 Anderson, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson and Dreyfuss voting in favor of the motion, and with Commissioner Presley absent, at its regular meeting held on Thursday, October 27, 2011, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board