



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 11-98
Preliminary Plan No. 120110380
Montgomery College - Germantown
Date of Hearing: October 20, 2011

DEC 13 2011

MONTGOMERY COUNTY PLANNING BOARD

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 May 25, 2011, Montgomery College - Germantown ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create two lots and dedication of an arterial road on 222 acres of land in the Life Sciences Center (LSC) zone, subsequently revised to request one lot on 24.48 acres with dedication of an arterial road, located on the south side of Germantown Road (MD 118) and the north side of Middlebrook Road between Interstate 270 and Frederick Road (MD 355) ("Property" or "Subject Property"), in the Germantown Employment Area Sector Plan area ("Sector Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No.120110380, Montgomery College - Germantown, ("Preliminary Plan" or "Application"); and

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

WHEREAS, on October 20, 2011, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony, considered supplemental findings from Staff and received evidence submitted for the record on the Application; and

WHEREAS, on October 20, 2011, the Planning Board approved the Application subject to certain conditions as revised, on motion of Commissioner Dreyfuss;

Approved as to
Legal Sufficiency:

Christina Sonert 11/30/11

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seconded by Commissioner Wells-Harley; with a vote of 4-0, Commissioners Anderson, Carrier, Dreyfuss and Wells-Harley voting in favor and with Commissioner Presley absent.

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board hereby approves Preliminary Plan No. 120110380 to create one lot on the Subject Property, subject to the following conditions:

- 1) Total development under this approval is limited to one lot for a 93-bed hospital and an 80,000 square foot medical office building ("MOB").
- 2) To satisfy the Local Area Transportation Review requirements, the following road improvements must be complete prior to release of any use and occupancy permit for the Holy Cross Hospital/MOB development.
 - A. Restripe the single eastbound left-turn lane on MD 118 to northbound I-270 to provide for dual left-turn lanes.
 - B. Restripe the pavement on eastbound MD 118 to provide for two eastbound right turn lanes on to southbound MD 355 and provide the necessary signal/signage modifications to accommodate this movement.
- 3) To satisfy the Policy Area Mobility Review requirements, the following road improvements must be complete and open to traffic prior to release of any use and occupancy permit for Holy Cross Hospital/MOB development.
 - A. Construct Observation Drive/Goldenrod Lane as a four (4) lane arterial from its current terminus immediately north of Middlebrook Road to the existing section of Goldenrod Lane (which intersects with MD 118).
- 4) Prior to certification of the site plan the Applicant must update the June 13, 2011, Traffic Impact Study to address comments referenced in the Montgomery County Department of Transportation's ("MCDOT") September 22, 2011, letter.
- 5) All public road rights-of-way shown on the approved Preliminary Plan must be dedicated to the full width mandated by the Sector Plan unless otherwise designated on the Preliminary Plan.
- 6) All public road improvements must be constructed within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the Sector Plan and to the design standards imposed by all applicable road codes.
- 7) The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services ("MCDPS") stormwater management

approvals dated November 9, 2009, and October 13, 2010. The conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the Preliminary Plan approval.

- 8) The Applicant must comply with the conditions of the MCDOT letter dated September 28, 2011. These conditions may be amended by MCDOT provided the amendments do not conflict with other conditions of the Preliminary Plan approval.
- 9) Clearing and grading must be in accordance with Site Plan conditions.
- 10) No recordation of plats prior to certified Site Plan approval.

Final approval of the number and location of buildings, on-site parking, site circulation, sidewalks, bikepaths, landscape and lighting will be determined at site plan.

- 11) 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.
- 12) 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."
- 13) The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution for this Preliminary Plan.
- 14) The record plat must show all necessary easements.
- 15) A way-finding circulation plan must be developed at the time of site 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, which the Board hereby adopts and incorporates by reference (except as modified herein), 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 Sector Plan.*

The Germantown Employment Area Sector Plan approved and adopted in 2009 makes specific recommendations for the Montgomery College - Germantown Campus, ("Campus"). The Campus is identified as an important community resource, intended to serve approximately 20,000 students. The future development of the 334 acre, "Montgomery College District", of which the Campus is a part, is a key component to the preservation of the natural features of the Campus and the linking of business and education uses in the I-270 Technology Corridor. The Board considered the following *land use; urban form* and *transportation recommendations* that are specific to the Montgomery College District:

Land Use

- *The future expansion of the Montgomery College is envisioned to contain approximately 1.1 million square feet of education related space with one million square feet of uses dedicated to the remainder of the Campus that will link business and academic communities. Private sector facilities on the Campus are subject to Site Plan review; while proposed academic facilities are subject to the Mandatory Referral process.*

The proposed development of the Hospital and Office Building is well within the one million square feet of space available for non-academic facilities. The close proximity of the College and Hospital *to each other* provides many opportunities for linking business and academia.

- *The I-3, R-60, R-60/TDR and R&D zones on the Campus were recommended by the Sector Plan to be rezoned to the LSC zone in order to provide the greatest flexibility to meet the College's needs and to partner the College with private businesses that support the College's mission.*

The Property was rezoned to LSC for this purpose.

- *Preserve 46 acres of high priority forest along I-270 and other high priority forested areas on the Property.*

This Sector Plan recommendation was specifically addressed with the approved Final Forest Conservation Plan (approved June 24, 2010). Forty-six acres of forest were protected in the area west of Observation Drive.

- *Develop technology and office uses with signature architecture that is visible from I-270. Use structured parking facilities to reduce impervious surface areas and improve water quality in the Gunners Branch watershed.*

The proposed architecture meets this recommendation. The Preliminary Plan uses structured parking to decrease imperviousness.

Urban Form

- *Design the Campus expansion and orient buildings to create a compact educational village that promotes interaction between buildings, synergy between public and private uses, reduces the amount of disturbed land, and creates an appealing and safe Campus setting.*

This is the first private use to reside on the Campus. It is well connected by the shared use path along Observation Drive. The location of the Hospital in close relation to the College provides significant opportunities for synergy between the two facilities. The structured parking was significant because it reduced the amount of disturbance that would be needed if surface parking was constructed. This is the first step in creating a true Science and Technology Campus. As more uses come in for review on the Campus, additional opportunities to unify the uses will be addressed at that time.

- *The street network shall provide pedestrian connections that create a walkable campus.*

The ten foot wide sidewalk will accommodate pedestrians and bicyclists. Opportunities for off street trails or sidewalks linking other buildings will be evaluated as future developments come in for review.

- *Provide open spaces that are buffered from the residential communities to the east.*

The Forest Conservation Plan protects a wide forested edge between these two uses.

- *Use building placement and site design to create smaller usable outdoor spaces that are characteristic of urban areas.*

The Preliminary Plan accomplishes this by creating small outdoor seating areas and green spaces, which are shown in detail on the site plan drawings.

- *Limit building heights up to 100 feet (eight stories) and cluster new development to provide a dense and cohesive campus.*

The Hospital building is 105 feet high with only 6 stories. The unique design needs of a hospital building, including the specialized equipment needed to provide state of the art service, dictate higher floor to ceiling heights than

would be expected in a typical office building. The Hospital building is the tallest of the three buildings but steps down in height toward the east, as it connects into the administrative wing, which is approximately 35 feet tall (2 stories). A stream valley buffer screens most views of the administrative wing from the nearest adjacent property, the Boys and Girls Club, which is located approximately 620 feet to the east of the administrative wing. The Zoning Ordinance (Section 59C-5.31a) specifies a maximum height of 200 feet within the LSC zone. Given the support for such a medical facility in the Sector Plan, and the specialized design needs of a hospital facility, the Planning Board finds that the height of the Hospital building is in substantial compliance with the Sector Plan recommendation.

- *Maintain building setbacks from I-270 of 200 feet and 100 feet from any interchange right-of-ways.*

The proposed development is setback approximately 0.45 miles (2,200 feet) from the right-of-way for the I-270 main travel lanes, and over 100 feet away from any right-of-way for an interchange ramp.

Transportation

- *The Sector Plan suggests that development in the Campus, including academic buildings and other private technology uses, will require additional access and transportation capacity. The Sector Plan recommends certain road connections to Middlebrook Road, Germantown Road and MD 355 from within the Campus. It recommends the extension of Observation Drive as a four lane, 80 foot right-of-way arterial road with a shared use path through the College Property to connect Germantown Road with Middlebrook Road. The road will be located on the west and south sides of the campus with future connections to MD 355. The Sector Plan also recommends the eventual re-alignment of Observation Drive, through the ball fields of the College to align with existing Observation Drive on the north side of Germantown Road. It recommends another connection of Cider Press Place from Observation Drive to MD 355.*

The LATR and PAMR review for this Preliminary Plan requires that Observation Drive be completed from Goldenrod Lane to Middlebrook Road as a 4 lane road within a minimum 80 foot wide right-of-way. This will satisfy the Sector Plan's recommendation to connect Germantown Road with Middlebrook Road. It will be located on the west and south sides of the campus as recommended in the Sector Plan. The planned connection of Observation Drive to MD 118, to align with existing Observation Drive is not required at this time to meet LATR or PAMR requirements. The portion of the

College Campus required to dedicate this connection is not part of this Application.

- *Extend Cider Press Place to connect MD 355 with the extension of Observation Drive.*

The LATR and PAMR requirements for the Holy Cross Hospital and office building are satisfied by the extension of Observation Drive from Goldenrod Lane to Middlebrook Road as proposed under this Preliminary Plan. The connection to Cider Press Place is not required to be built at this time, nor is that land available for dedication. The location of the Hospital lot in no way impedes the future dedication of Cider Press Place onto the Campus as part of future development on the Campus.

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

Local Area Transportation Review (LATR)

A traffic study was submitted to determine the impact of the proposed development on area transportation systems. Fourteen intersections were identified as critical intersections that would be affected by the proposed development. These intersections were examined in the traffic study to determine whether they meet the applicable congestion standard for this area. The congestion standard in the Germantown East/Germantown West Policy Areas is a Critical Lane Volume (CLV) of 1,425. The result of the CLV analysis was provided in the Staff Report.

All intersections are currently operating at an acceptable CLV level of 1,425. Under the background development (the existing traffic plus traffic from the approved/unbuilt developments), the intersection of MD 118 and MD 355 is projected to operate at an unacceptable CLV level during the weekday PM peak hour, while all other intersections continue to operate at acceptable CLV standards. In the projection of the background development traffic analysis levels, all intersection improvements required to be built as conditions of approval for the recent Milestone Business Park project (Preliminary Plan No. 11987271B, approved by the Planning Board on January 27, 2011) were assumed to be built and open to traffic.

Under the total future development, which includes the background traffic plus traffic from the site, the implementation of the intersection improvements identified by the Applicant in the traffic study will allow all intersections to operate at an acceptable or better than acceptable level as compared to the background development (1,434 vs 1,477 for the MD 355/MD 118 intersection

during the PM peak hour) during both the weekday AM and PM peak hours. The improvements are listed in Condition #2 of this Resolution, and must be completed prior to issuance of use and occupancy permits for any building on the Property. With the implementation of the identified intersection improvements, the Planning Board finds that the Application meets the LATR requirements.

Policy Area Mobility Review (PAMR)

The site is located within the Germantown East Policy Area, where 50 percent of new trips must be mitigated as part of the PAMR requirements according to the Subdivision Staging Policy. The site will generate 641 new PM peak hour trips. Fifty (50) percent, or 321 trips must be mitigated. The submitted traffic study identifies that the construction of Observation Drive/Goldenrod Lane as a four (4) lane arterial from its current terminus immediately north of Middlebrook Road to the existing section of Goldenrod Lane (which intersects with MD 118) will provide the required mitigation for the Hospital project. Staff has reviewed the PAMR trip mitigation analysis contained in the submitted Traffic Impact Study and finds that construction of this road as shown on the Preliminary Plan will allow the project to meet the PAMR requirements. In the PAMR mitigation analysis, Montgomery College's approved Biosciences Center development was included, i.e., the construction of Observation Drive/Goldenrod Lane as proposed will provide sufficient PAMR mitigation for both Montgomery College's Biosciences Center and the Holy Cross Hospital and medical office building. The Planning Board finds that the Application will meet PAMR guidelines.

Site Access and Vehicular/Pedestrian Circulation

Two access points to the hospital and medical office building are proposed from Observation Drive, which will be constructed as a four lane arterial roadway with a 10' shared use path on the east side of the Campus. The access points were approved in sight distance studies by the Montgomery County Department of Transportation. This roadway will provide local traffic accessibility, and facilitate future bus service, and additional pedestrian and bicycle access. The proposed alignment of Observation Drive as shown on the Preliminary Plan is in substantial conformance with the Sector Plan alignment. The Planning Board finds the proposed access points from Observation Drive to the Hospital lot have been reviewed for adequate sight distance and will be safe and adequate.

The Planning Board also considered a memorandum from Staff dated October 20, 2011, entitled "*Supplemental Findings for Adequacy of Site Access, Safety and Efficiency, Montgomery College – Germantown for Holy Cross Hospital, Preliminary Plan No. 120110380, Site Plan No. 820110110*" ("Supplemental

Findings"). This memorandum reviewed the adequacy, safety and efficiency of the wide-area, regional connections from the local road network that frames the Campus Property. Specifically, the Supplemental Findings determined how access to the Hospital from Middlebrook Road would function, and more importantly, how the interim connection of Observation Drive, using the existing Goldenrod Lane stub out to Germantown Road would function as the primary means of access for those drivers coming to the Hospital from the north side of the Campus.

The Supplemental Findings first analyzed the adequacy, safety and efficiency of Observation Drive as the future, four lane arterial road upon which the Hospital lot would front, and demonstrated how the road would serve the Hospital facility. The Applicant's traffic study surmised that the completion of this road would mitigate all of the 321 PAMR vehicular trips generated by the Hospital and medical office building. The memo stated that Observation Drive will be built to arterial road standards in an 80 foot wide right-of-way capable of carrying significant volumes of traffic, safely and efficiently. The Planning Board was satisfied that Observation Drive, as proposed, would provide adequate, safe and efficient access to the Hospital facility. The Planning Board was also satisfied that vehicles that access Observation Drive from Middlebrook Road from the south would also have adequate, safe and efficient access, due to the design standards of the intersection of Middlebrook Road and Observation Drive.

With respect to the northern access point to Observation Drive, the Board was notably concerned about the potential for driver confusion that might be created by the discontinuous alignment of existing Observation Drive north of Germantown Road, and the proposed section south of Germantown Road. As explained in the Staff Report and Supplemental Findings, the connection of Observation Drive to Goldenrod Lane that is proposed by this Application is an interim measure. When additional development on the Campus warrants further dedication of Observation Drive, it will be completed through the College ball fields to its ultimate connection at the existing intersection of Observation Drive and Germantown Road. In the interim, Observation Drive south of Germantown Road will connect with Goldenrod Lane. Therefore, a motorist who wishes to find the Hospital must know to turn on Goldenrod Lane at the Germantown Road/Goldenrod Lane intersection. The Supplemental Findings proposed measures to avoid driver confusion, and to assure adequate, safe and efficient access to the Hospital.

The Planning Board considered a draft, way-finding circulation plan submitted by the Applicant. The way-finding plan indicated the location of signage at critical road intersections surrounding the Campus property. Signs will be

posted at all nearby intersections on Germantown Road, MD 355 and Middlebrook Road. Particular attention was given to the signage at existing Observation Drive and Germantown Road in order to deter motorists from mistaking the entrance to the Montgomery College - Germantown Campus as the continuation of Observation Drive south to the Hospital. The Supplemental Findings explain that the intersection at Goldenrod Lane and Germantown Road is safely and efficiently designed, and that it provides the shortest route from Germantown Road to the Hospital for motorists on Germantown Road. The way-finding circulation plan is instrumental in alerting motorists to the location of the Hospital and, as Staff explained, will clearly direct drivers to use Goldenrod Lane for Hospital access. The Planning Board determined that using the way-finding measures would ensure drivers safely and efficiently gain access to the new Hospital. The Board required that a condition of approval be added to the Preliminary Plan approval; therefore condition #16 was added at the Hearing:

16) A way-finding circulation plan must be developed at the time of site plan.

The Planning Board finds that with the addition of this condition, there is adequate, safe and efficient access to the Hospital from the local road network.

Other Public Facilities and Services

All other major public utility providers have indicated that their respective utility is available and that there are no capacity or system limitations that would hinder service. Local extensions of utility services will need to be constructed mostly within the public utility easements established adjacent to the right-of-way for future Observation Drive. The Application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, firehouses and health services are currently operating within the standards set by the Subdivision Staging Policy currently in effect. The Application generates no school aged children since it is a non-residential project. It is therefore, not subject to a school facility payment. The Planning Board finds that all other public utilities and services can adequately serve the proposed development.

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

The Planning Board considered the size, shape, width and orientation of the lot. The Planning Board finds that the lot is adequately sized and of sufficient shape and width to accommodate the Hospital and medical office building within the

LSC zoned Campus. The lot is found to be appropriate for the intended use. It is the first private development to occur within the Campus and does not preclude other developments that may be considered in the future. The lot does not interfere with dedications of Sector Plan rights-of-way that may be required for other future development.

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

The Planning Board finds that the Preliminary Plan complies with Chapter 22A, the Montgomery County Forest Conservation law. A Forest Conservation Plan (FCP) was approved for the Campus under FCP #MR2009720. Approval of this comprehensive FCP satisfies the forest conservation requirements for the entire Campus. Designated forest conservation easements will protect the sensitive environmental features while areas available for development can be developed in the manner envisioned by the Sector Plan without requiring separate FCP submissions by each project. The location of the lot proposed under this Application and the development proposed on the lot are in conformance with the boundaries of easements and limits of disturbance shown on FCP #MR2009720. The Board finds that with the conditions imposed by this Resolution, the Preliminary Forest Conservation Plan complies with the requirements of Chapter 22A, the Montgomery County Forest Conservation Law.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site.*

The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. The Montgomery County Department of Permitting Services approved the stormwater management concept plan by letters dated November 9, 2009, and October 13, 2010. The stormwater management concept consists of alternative surfaces, micro-scale practices, bio-filters, and a joint use facility.

BE IT FURTHER RESOLVED, that for the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner, or any successor(s) in interest to the terms of this approval; and

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 Land Records of Montgomery County, Maryland or a request for an extension must be filed; and

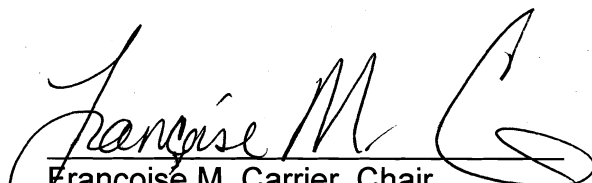
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is DEC 13 (which is the date that this Resolution is mailed to all parties of record); and

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).

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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 Commissioner Presley, with Chair Carrier, Commissioner Anderson, and Commissioner Presley present and voting in favor of the motion, and Vice Chair Wells-Harley and Commissioner Dreyfuss absent at its regular meeting held on Thursday, December 8, 2011, in Silver Spring, Maryland.


Françoise M. Carrier, Chair
Montgomery County Planning Board